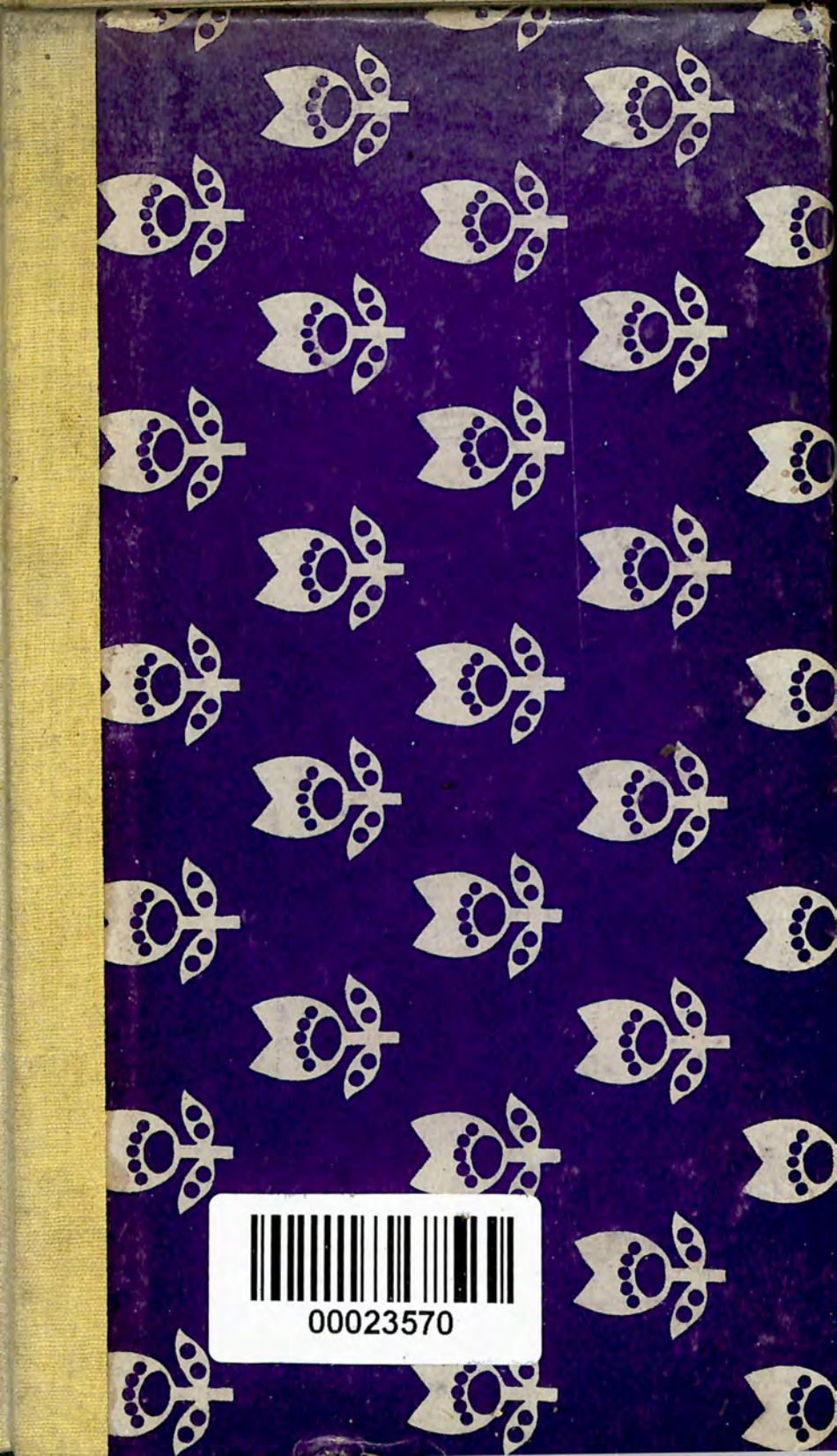
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THE HON: SIR DUDLEY NORTH, KNT.

COMMISSIONER OF THE TREASURY TO

KING CHARLES THE SECOND.

London Published by Henry Colburn, New Burlington St. June 1826

THE LIVES

OF THE RIGHT HON.

FRANCIS NORTH, BARON GUILFORD,

LORD KEEPER OF THE GREAT SEAL,

UNDER KING CHARLES II. AND KING JAMES II.

THE HON. SIR DUDLEY NORTH,

COMMISSIONER OF THE CUSTOMS,

AND AFTERWARDS OF THE TREASURY, TO KING CHARLES II.

AND

THE HON. AND REV. DR. JOHN NORTH,

MASTER OF TRINITY COLLEGE, CAMBRIDGE,

AND CLERK OF THE CLOSET TO KING CHARLES II.

BY

THE HON. ROGER NORTH.

A NEW EDITION.

WITH NOTES AND ILLUSTRATIONS, HITSORICAL AND BIOGRAPHICAL.

IN THREE VOLUMES.

VOL. II.

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LONDON:

HENRY COLBURN, NEW BURLINGTON STREET.

1826.

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THE LIFE

OF

THE RIGHT HON. FRANCIS NORTH,

LORD GUILFORD;

LORD KEEPER OF THE GREAT SEAL OF ENGLAND.

Case of the Duke of Norfolk and his brother. And Jeffries's ill usage.

AND now I proceed to the other beforementioned remarkable case decreed by his lordship; but it ended not so. And it was this. The point was of a term of two thousand years, whether it may be entailed, or not; but it did not turn upon the common law, for, there, it is clear not, but proved to be a right in equity, being a trust. If this entail stood, Esme Howard, a brother of the Duke of Norfolk, had the equitable right; if not, then the Duke himself. And he was a Protestant, but the other a Papist; and it will appear what influence that had. The Earl of Nottingham heard the original cause, and called to his assistance the three chiefs, Pemberton, of the King's Bench, his lordship, of the Common Pleas, and

Mountagu, of the Exchequer. And, after the hearing, the Lord Nottingham desired their opinions, which were clearly that the trust ought to follow the law. When they had done, the chancellor did not show them the respect of debating any of their reasons in the least; but, in a formal, and, seemingly, prepared speech, decreed the direct contrary. When his lordship had the seal, and sat there, the cause, upon a rehearing, or review, came again to be heard before him; and he, knowing no rule but his judgment of the law, and conscience in equity, reversed the decree.* Afterwards, Esme Howard preferred an appeal to the House of Lords. It seems Sir George Jeffries was then chief justice of the King's Bench; and he, by means of some encouragement he had met with, took upon him the part of slighting, and insulting his lordship on all occasions that proffered. And here he had a rare opportunity; for, in his rude way of talking, and others of a party after him, he battered the poor decree, not without the most indecent affronts to his lordship that, in such an assembly, ever were heard. His lordship, whose part it was to justify his decree, took not the least notice of any indecency, or reflection,

* This case is reported in 3 Chan. Ca. 1, and Pollexfen, 223. See the observations upon it in Mr. Fearne's Essay on Contingent Remainders, p. 469.

that regarded him, but made a deduction of the case, and gave his reasons amply, and with calm and exquisite temper. But his decree was reversed. I heard a noble peer say, that "he never saw his lordship in so much lustre as he appeared under the ill usage of that day;"—and he was more admired, than any success of his reasons could have made him. But now, having opened this scene, we are not to expect other than opposition, contempt, and brutal ill-usage of that chief towards his lordship, while he lived. The Earl of Nottingham's was printed, but his lordship did not think fit to interest himself, in a private cause, so far as to become a party in print, although all the chancellor's flourishes were fully answered and resolved. And as for certain scandals and lies, raised and printed by a foul libeller,* relating to this cause, I do not think them worth taking notice of.

Short account of the Chief Justice Jeffries, from his beginning, to his death in the Tower.

But as to Sir George Jeffries, having said so much of his ill usage of his lordship, I think it proper to give some particular account of his character; which I shall, for the most part, do

* This scandal, to which allusion is made in the text, is the following passage, at the conclusion of the memoir of the Lord Keeper in the Lives of the Chancellors, (*vol.* i. *p.* 178.) "There was an old story of a chancery suit, between the Duke of N—— and Sir P—— H—— in his time, and of some gold plate in a box, but it looks too invidious to relate it."

by annexing some short explanation to his lordship's own notes of him: and those are more explicit of him, than of any other person; for all the other men of law in England, in place and out of place, mustered together, did not so much affect his lordship's quiet, as the behaviour of that chief did; of which a just view is presented elsewhere. To take him from his beginning, he was a gentleman's son in Wales, of whom it was reported that he used to say George (his son) "would die in his shoes." His beginnings at the inns of court, and practice, were low. After he was called to the bar, he used to sit in coffee-houses and order his man to come and tell him that company attended him at his chamber; at which he would huff, and say, "Let them stay a little; I will come presently." This made a show of business; of which he had need enough, being married, and having several children. One of the aldermen of the city was of his name; which, probably, inclined him to steer his course that way: where, having got acquaintance with the city attornies, and drinking desperately with them, he came into full business amongst them, and was chosen recorder of the city. That let him into knowledge at court, and he was entertained as the Duke of York's solicitor, and was also of the king's counsel. He continued recorder till the prosecution of abhorrers, and saved

himself (as he took it) by composition for his place. Thereupon, having surrendered his recordership, he obtained the place of chief justice of the King's Bench; and, after the death of the Lord Keeper Guilford, the great seal; which he held till the Prince of Orange landed; and then he absconded in disguise, in order to fly beyond sea; but, being discovered at Wapping, escaped narrowly being torn in pieces by the rabble. He was secured by the lord mayor, and sent to the Tower, where he died. The incidents of his life, which I shall take occasion to remember, may aptly be placed against his lordship's notes concerning him.

"Began with a turbulent spirit against the "mayor and court of aldermen, taking part with "the commons."

Began with opposition to the mayor and aldermen.

This method was the direct contrary to what raised him, and in his following behaviour he practised: for he became a high flier for the authority of the mayor and the court of aldermen. He was of a fierce, unquiet disposition, and, being at first but low himself, could act only among inferiors, whom he instigated to be troublesome; and, like others of ambitious tempers, or, which is nearly the same, necessitous, he put himself into all companies; for which he was qualified, by using himself to drink hard; and so made himself a general acquaintance, and

some friendships, in the city. And, upon this course originally taken, he grounded his pretensions to an interest in the citizens.

By court interest, got to be recorder of London.

"Then, being acquainted with Will. Chiffinch "(the trusty page of the back stairs) struck in "and was made recorder."

This Mr. Chiffinch* was a true secretary as well as page; for he had a lodging at the back stairs, which might have been properly termed the spy-office; where the king spoke with particular persons, about intrigues of all kinds: and

* The name of Chiffinch occurs perpetually in the secret history of this reign. He was the confidant of Charles, not only in his amours, but also in his political intrigues. The first pension from the court of France was paid into Chiffinch's hands; "his ministers knew nothing of it, only Mr. Chiffins, his valet de chambre and confidant, to whose lodgings the money was carried, and with whom I went to the merchants' houses to receive it. (*See the Memorial of Blancard, Dalrym. App. p.* 117;—*see also the Duke of Leeds' Letters, p.* 9, 17, 33.) The secret council which was established in the next reign, by the advice of Sunderland, used to meet in Chiffinch's apartments. (*Life of James II. vol.* ii. *p.* 74.) He is called by Evelyn, "Closet-keeper to the King." (*Memoirs, vol.* i. *p.* 330.) It was in Chiffinch's lodgings that the interview between James II. and the Duke of Monmouth took place, when James, with cold-hearted brutality, suffered his brother's son to beg his life in vain. (*See Lord Lonsdale's Memoir, p.* 11.) Chiffinch was the person employed to introduce the Catholic priest into the king's chamber, when Charles II. was dying. (*Barillon's Letters.*)

all little informers, projectors, &c. were carried to Chiffinch's lodging. He was a most impetuous drinker, and, in that capacity, an admirable spy; for he let none part from him sober, if it were possible to get them drunk; and his great artifice was pushing idolatrous healths of his good master, and being always in haste; "for the king is coming;" which was his word. Nor, to make sure work, would he scruple to put his master's salutiferous drops (which were called the king's, of the nature of Goddard's) into the glasses; and, being an Hercules, well-breathed at the sport himself, he commonly had the better; and so fished out many secrets, and discovered men's characters, which the king could never have obtained the knowledge of by any other means. It is likely that Jeffries, being a pretender to main feats with the citizens, might forward himself, and be entertained by *Will.* Chiffinch, and, that which at first was mere spying, turn to acquaintance, if not friendship, such as is apt to grow up between immane drinkers; and from thence might spring recommendations of him to the king, as the most useful man that could be found to serve his majesty in London; where was need enough of good magistrates, and such as would not be, as divers were accounted, no better than traitors.

Then the duke's solicitor.

" Afterwards the duke's solicitor."

Having once got a footing in court, and found means to hold forth great assurances of future services at large, it is no wonder that he was taken in on that side of the court, that desired such men as would act without reserve, as it was termed. While he was in this post, he made a great bustle in the duke's affairs, and carried through a cause which was of very great consequence to his revenue; which was for the right of the penny post-office. It was the invention of one Docwra, who put it into complete order, and used it to the satisfaction of all London, for a considerable time. The Duke of York was grantee of the revenue of the post-office; and his counsel, finding this project of a penny post turn out so well, and apparently improvable, upon consulting the act, thought the duke had a right to all posts, and, consequently, to that. Thereupon an information, grounded on the post act, was exhibited against Docwra,* and, upon a trial at the King's Bench bar, he was convicted; and ever since, the crown hath had the benefit of the penny post. Docwra would not submit himself, but insisted on his right to the last; otherwise it was thought he might have secured to himself a good office, by being commissioner for life, to manage that revenue. But his wayward-

* See Docwray's case, Skinner's Reports, 80.

ness to the court would not give him leave to be so wise.

"Upon troubles in parliament, he would not "stand his ground, but quitted his recordership "in fear, and with great entreaty.* Whereupon "Sir George Treby was made.

Left the place of recorder, for fear; to Treby.

This whole affair, and all the circumstances of it, is fully accounted for in the Examen, so shall say little here; only that this Sir George Treby, who succeeded Jeffries in the recordership, was no fanatic; but, of the fanatic party, true as steel. His genius lay to free-thinking, and, conformably to his fellows at that time, made the scriptures and christianity, or rather all religion, a jest; and so constant in his way, that no man could say that ever he was the first, and not the last, that left the bottle.†

* He was attacked in Parliament as one of the *abhorrers*, and was reprimanded at the bar on his knees; upon which "the ever-facetious king was pleased to laugh and say,'that Sir George Jeffries was not parliament-proof.'" (*Examen*, *p.* 550.)

† "He was," says Evelyn, "a learned man in his profession, of which we have now few, never fewer." (*Memoirs*, *vol.* ii. *p.* 73.) Treby was one of the counsel for the City in the great case of the *quo warranto*, and was subsequently deprived of the office of Recorder in 1685, but was restored by William III. in 1688. He was appointed Attorney-General May 7, 1689, and Chief Justice of the Common Pleas 13th April, 1692. *Ob.* 1701.

His ambition to the prejudice of better men. Some notes of the Chief Justice Jones, and the loss of Sir Job Charleton.

"He aimed at the place of Chief Justice of "the Common Pleas, after the judgment, in the "*quo warranto*, settled to the prejudice of Jones, "who had served in giving it; and expedient "being found by room in B. R. was made so."

It was a cruel thing in Jeffries to press so very hard, as he did, to come over the head of Mr. Justice Jones, against whom there was no sort of objection; but, on the contrary, a merit in doing the king justice, in so great and consequential a cause as that against the city was. And, in the end, Saunders, the chief justice, being disabled by his apoplexy, Jones pronounced that judgment, and expressed the reasons so short and sound, and delivered with that gravity and authority, as became the court, and greatness of the occasion. And one, that had a grain of consideration of any thing but himself, and being of the same interest and sentiment, would not have pushed, with a flaming violence at court, to the injury of so venerable a person as that judge was; whose character I should have particularly set forth here, if it had not been done already in the Examen.* Jeffries did not gain his point of

* P. 563, where Jones is termed a very reverend and learned judge, a gentleman, and impartial. "He was made chief justice of the Common Pleas in 1663, and was removed in 1666, for giving his opinion," says Roger Coke, "that the king could not dispense with the test and penal laws." (*De-*

him; but matters rested awhile, and the place of chief justice of the Common Pleas being void by his lordship's promotion to the seal, Jones was placed there, which was his advantage, and Jeffries took the cushion in the King's Bench. This was not the only instance of the unreasonable ambition of Jeffries, to the prejudice of deserving men. For he laid his eye on the place of Chief Justice of Chester, which was full of Sir Job Charleton, than whom there was not a person better qualified for his majesty's favour; an old cavalier, loyal, learned, grave, and wise. He had a considerable estate towards Wales, and desired to die in that employment. But Jeffries, with his interest on the side of the Duke of York, pressed the king so hard that he could not stand it; but Sir Job Charleton must be a judge of the Common Pleas, and Jeffries* at Chester in his place, being more

tection, vol. ii. *p.* 423.) On being pressed by the king to declare himself in favour of the dispensing power, he said, "he could not do it:" and on his majesty answering *that he would have twelve judges of his own opinion,* Sir Thomas observed, *that possibly he might find twelve judges of his opinion, but that he would scarce find twelve lawyers to be so. (Kennett, vol.* iii. *p.* 449.) The same anecdote is related by Sir John Reresby. *(Memoirs, p.* 229.)

* Mr. Booth, afterwards Earl of Warrington, has thus described the conduct of Jeffries, while he filled the place of Chief Justice of Chester. "But I cannot be silent as to our Chief Judge, and I will name him, because what I have to say will appear more probable. His name is

Welshman than himself. Sir Job laid this heavily upon his heart, and desired only that he might speak to the king, and receive his pleasure from his own mouth; but was diverted, as a thing determined. But once he went to Whitehall, and placed himself where the king, returning from his walk in St. James's park, must pass; and there he set him down like hermit poor. When the king came in, and saw him at a distance, sitting where he was to pass, concluded he intended to speak with him, which he could not by any means bear: he therefore turned short off, and went another way. Sir Job, seeing that, pitied his poor master, and, never thought of troubling him more, but buckled to his business in the

Sir G. Jeffries, who, I must say, behaved himself more like a Jack-pudding, than with that gravity that beseems a judge. He was mighty witty upon the prisoners at the bar. He was very full of his jokes upon people that came to give evidence, not suffering them to declare what they had to say in their own way and method, but would interrupt them, because they behaved with more gravity than he. But I do not insist upon this, nor upon the late hours he kept in our city. It is said he was every night drinking till two o'clock, or beyond that time, and that he went to his chamber drunk; but this I have only by common fame, for I was not in his company: I bless God I am not a man of his principles or behaviour; but in the mornings he appeared with the symptoms of a man that over-night had taken a large cup." (*Chandler's Debates, vol.* ii. *p.* 163.)

Common Pleas.* And may Westminster-hall never know a worse judge than he was.

" Then received a ring† from the king before " the circuit to blow his fame as favourite, and " *quo warranto's* sent to terrify, and the charters " falling to him was lustily cried up as a service, " which was all laid beforehand."

A fictitious greatness contrived to produce a show of his power in the country, and of the abuse of charters.

What concerns this artificial fame, and the use

* Sir Job had the virtue to resist the court in the great question of the dispensing power, and was displaced on that occasion. (*Heywood's Vindication, Appendix, p.* xx.)

† " The king was persuaded to present him with a ring, publicly taken from his own finger, in token of his majesty's acceptance of his most eminent services, and this by way of precursor, which being blazoned in the Gazette, his lordship went down into the country, as from the king *legatus a latere.*" (*Examen, p.* 626.) Burnet tells us, that this ring, which was presented to Jeffries immediately after the execution of Sir T. Armstrong, was called his *blood-stone.* The king, on the same occasion, was pleased to accompany his donation with a piece of advice, " somewhat extraordinary," says the historian, " from a king to a judge. The king said it was a hot summer, and he was going the circuit; he therefore desired he would not drink too much." How far James II. countenanced, or even instigated the cruelties of Jeffries, it is difficult to determine with accuracy. According to Burnet, they were certainly not ungrateful to him; and the Rev. Mark Noble, who had compiled a history of the Lord Chancellor, tells us, that the excuse offered by Jeffries to Dr. Scott, who attended him on his death-bed, for his cruelties in the West, was, " that they were less than satisfied the hard-hearted James." (*Noble's Granger, vol.* i. *p.* 104.)

that was made of it in favour of recusants, as also the consequence of merit for procuring surrenders of charters, is expressed among the emergencies, during his lordship's ministry, in this fourth stage of his life. And as for the matter of charters, a business of great remark in those times, and not like to be well understood in the future, I have endeavoured to state what I know of those proceedings by *quo warranto*, and procuring surrenders, in the Examen.* I think it will appear there, that the original and chief instances of them were not only just,† that is, according to law, and prudent, but also necessary to the continuance of the public peace; and also that this method of law so reasonably begun, and justly

* P. 624, *et seq.*; and see the proceedings in the *quo warranto* against the city of London, in Howell's State Trials, vol. viii. p. 1039.

† See one of these instances in Sir John Reresby's Memoirs (p. 170). "The king had now conceived a displeasure against the city of York, and coming from the Duchess of Portsmouth's, he asked me, leaning upon my arm, 'If I knew sufficient matter for bringing a *quo warranto* against their charter?' I told his majesty 'I did not, but would endeavour to inform myself; but I feared I could not so well do it at such a distance, as if I was upon the spot.' To which his majesty replied, 'I only recommend it to you.' *The Lord Mayor, it seems, had refused to let a mountebank erect his stage in that city, though he was furnished with the king's recommendation, which the man complaining of, his majesty thought himself thereby slighted or injured.*"

pursued, after a few years, corrupted into a course of violence and oppression; that is, when men interposed either to court or fright harmless and orderly corporations to surrender, and, upon refusal, plunged them into the chargeable and defenceless condition of going to law against the crown, whereby that, which would not come by fair means, was extorted by violence. This was one of the troubles of mind which his lordship laboured under in the latter end of King Charles's reign, as of a devil raised, which could not readily be laid. Nor could he resist the pretenders to merit; since all was reckoned good service at court, that gave the king any addition of power, without considering the defalcations, on the other side, from the fierce and irregular means of obtaining it. And his lordship was not wanting to discountenance all such practices, which made him be listed among the trimmers, as touched elsewhere. However, there were hopes, in that reign, of bringing all to rights again. But, after the death of that good king, the flood-gates were opened, and a deluge of abuse, upon that topic, entered, but came not up so high as to overwhelm all, till his lordship died, who, as long as he lived, was some obstacle to the course of those many inconveniencies that followed. But then, among many others, this trade of charters ran to excess, and turned to an avowed practice of garbling corporations in

order to carry elections to the parliament; and a committee of council was appointed to manage the regulations, as they were called; and there was an itinerant crew of the worst of men, that wrought in the towns, to be regulated, under direction of the committee.* These were termed regulators; and, according to their characters, and designations, mayors, aldermen, recorders, common councils and freemen, were modified and established. The Lord Chief Justice Jeffries was capitally concerned in the first of these exorbitances, and pushed matters, through all the degrees, into those excesses I mentioned.† At first it was his

* See Evelyn's account of these elections (*Memoirs, vol.* i. *p.* 561): "There were many of the new members, whose elections and returns were universally censured; many of them being persons of no condition or interest in the nation, or places for which they served, especially in Devon, Cornwall, Norfolk, &c., said to have been recommended by the court, and from the effect of the new charters changing the electors. It was reported, that Lord Bath carried down with him into Cornwall no fewer than fifteen charters, so that some called him the Prince Elector." The Earl of Bath put the names of various officers of the guards into almost all the charters of Cornwall. (*Burnet's Own Times, vol.* iii. *p.* 1072.) See Sir J. Reresby's Memoirs (*p.* 269-275), as to the corporation of York. Roger Coke has accused the lord keeper of corruptly receiving bribes in the matter of these charters, but the charge seems to be made without sufficient grounds. (*Coke's Detection, vol.* ii. *p.* 386.)

† "His lordship went down into the country, as from the

way of making court, but at last it was his shield and defence. For he and his clan, one Sir N. Butler, and (I should have first said) the Lord Sunderland were, by these practices, become so obnoxious in the reign of King James II. that, knowing they could not stand the fury of any parliament, they laboured, by manifest provocations of the people, carried on affectedly by them, at length to come to that height, as to be able to show the king that all parliaments were impracticable, and to prevail upon him to live without any at all. And, by that means, they might continue great, and be secure; otherwise, that is, if ever there was a parliament, they must certainly fall a sacrifice to the fury of the commons. But these extremes aspersed the whole subject-matter, as well what was just as unjust, reasonable as unreasonable, all alike suffered under the obloquy; and none ever concerned themselves to distinguish more than if there had been no difference at all from the first to the last. And the very law itself, that is, the known legal and (sometimes) necessary process of *quo warranto* came well nigh to be entirely abolished. For so men run from one extreme to another, and, as

king, *legatus á latere*, esteemed a mighty favourite, which, together with his lofty airs, made all the charters, like the walls of Jericho, fall down before him." (*Examen*, p. 626.)

the English mode is, reform, not by restoring, or mending, but by kicking down all at once whatever is abused, though, in itself, never so good. This is what I have thought fit to say here touching the subject of charters; which doth but very little, if at all, interfere with so much as is said of it in the Examen.

Great at court made him great in the city, and *è contra.*

"The companies, and city business make him "great, being put into his hands; and then he is "cried up as having the city at his devotion.

"Qu. *Quid proinde?*" (*Qu.* What then?)

This consequence is elsewhere observed of him. Only it is to be noted, that he prevailed to have all the affairs, concerning the city of London, put into his hands; which made many citizens obliged to court him that were not very much really his humble servants: but no remedy; and he was their grandee.

Divers matters furiously and oddly driven by him.

"Sir William Smith and Baily justices. *Inde* "*ardor cum intemperie.*" (Thence he took occasion to scold violently.)

This is mentioned elsewhere, so far as I can remember of it; as also the speaking in the council drunk, and inveighing against trimmers.

"*Post, accusatio com. serjeant, sine fundamento.*" (He afterwards accused the common serjeant upon no grounds.)

One Mr. Crisp was, in those times, the common serjeant in London, an office of considerable

account, especially in the orphanage. He was an honest, reasonable gentleman, and very loyal; but, it seems, was not one that would go into all measures; therefore causeless blame was laid upon him. I do not call to mind what it was; but it did not succeed to his prejudice.

"*Post Rosewell, mo' in arrest, et gavisus de "errore.*" (Urged the prosecution of Rosewell, and laughed at the mistake.)

This Rosewell was attaint, by verdict, of high treason in London, and, having made his peace with the lord chief justice, moved by his counsel to arrest the judgment for an error of form in the record. The lord chief justice could not contain himself, or be concealed, but openly rejoiced at the accident, and was tickled with mirth and laughing at the king's counsel. But the serious observation was, that, after he had urged the prosecution of Rosewell, and a fault slipped, he should so merrily discharge him.*

"Acquittal of Hays."

This was a citizen that he caused to be prosecuted for high treason; and then, at the trial, apparently helped him off with the jury: which, it

* See the report of Rosewell's trial, *Howell's State Trials*, vol. x. p. 147; and Burnet's account of the transaction, *Own Time*, vol. ii. p. 1028. Burnet says, that "the court was so ashamed of the witnesses, that the attorney-general had orders to yield to the arrest of judgment."

may be, was not without reason; for evidences, at such trials, ought to be above all exception. But since nothing new sprang at the trial, which was not seen before, it was pleasant to see a man hunted into the toils, and then let go. So suddenly may enemies become friends. Upon what terms who knows?*

"Motion for delivering the papists out of "jail."

This is at large declared afterwards.

"Prosecution of Will. Williams."†

This his lordship thought ill advised; for he was speaker of the House of Commons, and had signed divers matters, as commitments, addresses, votes, and such acts as the house thought fit

* See the report of Hays's trial, *Howell's State Trials*, vol. x. p. 307.

† Sir William Williams, the ancestor of the present Sir Watkin Williams Wynne, was returned as member for Chester, in 1678, and appointed speaker of the House of Commons, an honour which was again conferred upon him in 1681. Having voted for the bill of exclusion, and rendered himself in other respects obnoxious, he was prosecuted, at the instigation of the Duke of York, and fined 10,000*l*. Finding his country politics thus inconvenient, he abandoned them, and adopted those of the court, and was appointed solicitor general, by James II. To him was confided the management of the great trial of the seven bishops, *Ob.* July 10, 1700. Burnet calls him "a corrupt and vicious man, who had no principles, but followed his own interests."

should be done; but if they were, as was supposed, criminal in their nature, as libels, false imprisonments, &c. no privilege, in strict rigour of law, excuseth them. But to prosecute a speaker, in vacation of parliament, for what he had done by the order of the House of Commons in the last sessions of parliament, was by no means gracious, or like to be well taken in any succeeding parliament, but tended rather to irritate than reconcile; which was more for the king's service. But Williams had been sharp upon Jeffries when he was upon his knees at the bar of the house for abhorring; and they were both Welshmen: therefore Williams must be prosecuted.

Caught by a bold action of an attorney at a trial about parliament commitments.

It may conduce somewhat to the understanding this, to relate what I clearly remember. It was the case of Samuel Verdon, a famous Norfolk attorney. He was ordered by the House of Commons to be taken into custody, and the warrant signed William Williams. The serjeant's men went down and took him; but he, out of an acquired obstinacy, would conform with the messengers in nothing. But, in bringing him up, he would not be prevailed with either to mount or dismount his horse; but forced the messengers, at every turn, to lift him on and off; and, at the same time, had his clerks taking notes, in order to testify these assaults of his person; for every one of which, he intended to bring an action of bat-

tery. It so fell out that, as he was upon the road, about midway between Norwich and London, the parliament was prorogued, by which the warrant ceased, and, after that, the custody was a false imprisonment; and Verdon brought his action for it against the messengers, which action was tried at the Exchequer bar.* The speaker (William Williams) himself, was the front counsel for the defendants, and Jeffries for Verdon. Williams said much to excuse the men, upon account of their invincible ignorance of the prorogation. Upon that, Verdon steps forth, and, "My lord," said he, "if Sir William Williams will here own his hand to the warrant, I will straight discharge these men." Jeffries was so highly pleased with this gasconade of his client, that he loved him ever after; of which Verdon felt the good effects, when his learned counsel came that circuit as chief justice; for although many complaints were intended against him, and such as were thought well enough grounded, yet he came off scot free.

Espoused the interest of the East India Company, against the interlopers.

"East India Company."

This was the great cause that depended, at that time, against Sands for interloping: but concerned the merchants in London, who complained against the East India Company for being a mo-

* The action appears from Shower's Reports (vol. ii. p. 300) to have been brought in the King's Bench.

nopoly, and began almost to form an interloping company. But the judgment of law, being for the company, put a stop to it. Jeffries espoused the matter with great fury; and though not much given to argue law matters, he, in giving his judgment, made a prolix argument, as the reports of the case, wherever they appear, will show.* There was somewhat extraordinary at the bottom. But I have no ground to say what.

"Henry Pollexfen introduced."

Brought a desperate party man, Pollexfen, into the king's business in the West.

There is no account to be given of this action of Jeffries, but that he was making friends with the anti-court party. For this Pollexfen was deep in all the desperate designs against the crown. He was the adviser and advocate of all those who were afterwards found traitors. In a word, a thoroughstitch enemy to the crown and monarchy in his time. A fanatic, and (in the country) frequenter of conventicles; and one more notorious of this character, was not to be found. And yet, when Jeffries went down into the West, with his commission of war, as well as oyer and terminer, he takes this Pollexfen into the service, to be the king's counsel, in those furious prosecutions. And it may be he knew him propheti-

* Reported in Shower's Reports, vol. ii. p. 366; but without the arguments of the judges. In the State Trials the arguments of Jeffries and the other judges are given at great length, (vol. x. p. 371.)

cally to be fit for the purpose; for, upon the revolution, he was made a judge, and, from a whiner for favour to criminals, he proved the veriest butcher of a judge that hath been known. But to pass to the chief justice. It seems here that this service was to be a step, upon which Jeffries intended to lift him into the king's service, as his majesty's counsel, or serjeant, if not judge. Nothing could be more counter to the hectoring humour of the chief justice, that used to batter whigs, and even trimmers, without mercy, than this employing of Pollexfen.*

His scouring the citizens of Bristol, and the mayor himself for kidnapping.

There is one branch of that chief's expedition in the West, which is his visitation of the city of Bristol, that hath some singularities, of a nature so strange, that I think them worth my time to relate. There had been an usage among the aldermen and justices of the city (where all persons, even common shop-keepers, more or less, trade to the American plantations) to carry over criminals, who were pardoned with condition of transportation, and to sell them for money. This was found to be a good trade; but, not being content to take such felons as were convict at their assizes and sessions, which produced

* Burnet calls Pollexfen "an honest and learned, but perplexed lawyer." (*Own Time*, vol. ii. p. 799.) He was one of the counsel for the city of London in the great case of the *quo warranto*.

but a few, they found out a shorter way, which yielded a greater plenty of the commodity. And that was this. The mayor and justices, or some of them, usually met at their tolsey (a court-house by their exchequer) about noon, which was the meeting of the merchants, as at the Exchange at London; and there they sat and did justice-business, that was brought before them. When small rogues, and pilferers, were taken and brought there, and, upon examination, put under the terror of being hanged, in order to which, mittimus's were making, some of the diligent officers attending, instructed them to pray transportation, as the only way to save them; and, for the most part, they did so. Then, no more was done; but the next alderman in course took one and another, as their turns came, sometimes quarrelling whose the last was, and sent them over and sold them.* This trade had been driven for many years, and

* The merchants appear not to have confined themselves to kidnapping rogues and vagabonds.—Narcissus Luttrell tells us that an order in council was made "against merchants spiriting or kidnapping away *young children*; and directing them how to proceed in future in taking any persons they send beyond seas." (*State Trials*, vol. x. p. 33.) Wilmore, the foreman of the jury which ignored the bill for treason against Lord Shaftesbury, was, according to Roger North, accused of being a kidnapper, and of having sent one or two young men to the Plantations, and was compelled to fly. (*Examen*, p. 591.)

no notice taken of it. Some of the wealthier aldermen, although they sat in the court and connived, as Sir Robert Cann* for instance, never had a man; but yet they were all involved in the guilt, when the charge came over them. It appears not how this outrageous practice came to the knowledge of the lord chief justice; but, when he had hold of the end, he made thoroughstitch work with them; for he delighted in such fair opportunities to rant. He came to the city, and told some that he had brought a broom to sweep them. The city of Bristol is a proud body, and their head, the mayor, in the assize commission, is put before the judge of assize; though, perhaps, it was not so in this extraordinary commission of oyer and terminer. But for certain, when his lordship came upon the bench, and examined this matter, he found all the aldermen and justices concerned in this kidnapping trade, more or less, and the mayor himself as bad as any. He thereupon turns to the mayor, accoutred with his scarlet and furs, and gave him all the ill names that scolding eloquence could supply; and so, with rating and staring, as his way was, never left till he made him quit the bench, and go down to the criminal's post at the bar; and there he pleaded

* See more concerning Sir Robert Cann, in the Life of Sir Dudley North, who married his daughter.

for himself, as a common rogue, or thief, must have done: and when the mayor hesitated a little, or slackened his pace, he bawled at him, and, stamping, called for his guards; for he was general by commission. Thus the citizens saw their scarlet chief magistrate at the bar, to their infinite terror and amazement. He then took security of them to answer informations, and so left them to ponder their cases amongst themselves. At London Sir Robert Cann applied, by friends, to appease him, and to get from under the prosecution, and at last he granted it, saying, "Go thy way; sin no more, lest a worse thing come unto thee." The prosecutions depended till the revolution, which made an amnesty; and the fright only, which was no small one, was all the punishment these juridical kidnappers underwent; and the gains acquired by so wicked a trade, rested peacefully in their pockets.

"Sir John Trevor."

Sir John Trevor brought in, and soon fell to supplanting Jeffries.

He was a countryman of the lord chief justice Jeffries,* and his favourite. It may not be amiss to show a little of him, that it may appear what sort of men that chief brought forward. He was bred a sort of clerk in old Arthur Trevor's chamber, an eminent and worthy professor of the law in the Inner Temple. A gentleman, that visited Mr. Arthur Trevor, at his going out,

* He was a cousin of Jeffries.

observed a strange-looking boy in his clerk's seat (for no person ever had a worse sort of squint than he had), and asked who that youth was? "A kinsman of mine," said Arthur Trevor, "that I have allowed to sit here, to learn the knavish part of the law." This John Trevor grew up, and took in with the gamesters, among whom he was a great proficient: and, being well grounded in the law, proved a critic in resolving gaming cases, and doubts, and had the authority of a judge amongst them; and his sentence, for the most part, carried the cause. From this exercise, he was recommended by Jeffries to be of the king's counsel, and then master of the rolls, and, like a true gamester, he fell to the good work of supplanting his patron and friend: and had certainly done it, if King James's affairs had stood right up much longer; for he was advanced so far with him, as to vilify and scold with him publicly in Whitehall. He was chosen speaker in King James's parliament, and served in the same post after the revolution. Once, upon a scrutiny of bribery in the House of Commons, in favour of one Cook, a creature of Sir Josiah Child's, who ruled the East India Company, it was plainly discovered that the speaker Trevor had 1000*l.*, upon which the debate ran hard upon him, and he sat above six hours as prolocutor in an assembly that passed that time with calling him all to nought to

his face; and, at length, he was forced, or yielded, to put the question upon himself, as in the form, "As many as are of opinion that Sir John Trevor is guilty of corrupt bribery by receiving," &c. and, in declaring the sense of the house, declared himself guilty. The house rose, and he went his way, and came there no more. But whether the members thought that the being so baited in the chair was punishment enough, or for his taking such gross correction so patiently and conformably; or else, a matter once out of the way, was thought of no more; it is certain that he never was molested farther about that matter;* but continued in his post of master of the rolls, equitable judge of the subjects, interests, and estates, to the great encouragement of prudent bribery for ever after.

"About bailing of the lords. His deliberating, "resolution, and deceitfulness in that affair." Undertook to bail the lords, and failed, and some other odd passages.

This hath been touched elsewhere. The lords were the five in the Tower for the plot; and it seems that his determining upon the question to

* He was subsequently expelled by a vote of the house. (*Kennett*, vol. iii. p. 672.) On the revolution he was made first commissioner of the great seal, and, having been a violent Tory, was employed to manage that party in parliament. "By him," says Burnet, "began the practice of buying off men, in which, hitherto, the king had kept to stricter rules." (*Own Time*, vol. iv. 80, 276.) Trevor is said to have been extremely avaricious and mean. (*Noble's Granger*, vol. i. p. 172.) *Ob.* 1717.

bail them, helped to lift him into his place of chief of the King's Bench; but, at the touch, he failed.

"Offer to come upon the Scotch affairs."

This was a presumption no English counsellor, but the premier minister, pretended to; and shows a violent forwardness, as if it aimed at no less.

"Trimming *pro* Sacheverel, *redarg. attorn.*" (Trimmed for the side of Sacheverel, and reproved the attorney general.)

Mr. Sacheverel was a fierce hero against the court in the House of Commons; and, being prosecuted by the attorney general for some misdemeanor, the lord chief justice sided with him, and reproved the attorney general. It is only an instance of his taking in with the heads of the anti-court party.

"*Introductio Roe.*" (Introduced Roe.)

This was another like instance; for Roe was a close servant of Monmouth's: which comes vile near siding against his master and benefactor, the Duke of York.

The general character of Jeffries, and a remarkable discovery of him; his indifference to the justice of the court.

"Noisy in nature. Turbulent at first setting "out. Deserter in difficulties. Full of tricks. "Helped by similar friendships. Honesty, law, "policy, alike."

This, to conclude, is the summary character of the Lord Chief Justice Jeffries, and needs no interpreter. And, since nothing historical is amiss

in a design like this, I will subjoin what I have personally noted of that man; and some things of indubitable report concerning him. His friendship and conversation lay much among the good fellows and humourists; and his delights were, accordingly, drinking, laughing, singing, kissing, and all the extravagances of the bottle.* He had a set of banterers, for the most part, near him; as, in old time, great men kept fools to make them merry. And these fellows, abusing one another and their betters, were a regale to him. And no friendship or dearness could be so great, in private, which he would not use ill, and to an extravagant degree, in publick. No one, that had any expectations from him, was safe from his public contempt and derision, which some of his minions, at the bar, bitterly felt. Those above, or that could hurt, or benefit him, and none else, might depend on fair quarter at his hands. When he was in temper, and matters indifferent came

* To these delights may be added that of dancing.—Evelyn tells us, that being present at the wedding of one Mrs. Castle, a city lady, he saw there "Sir George Jeffries, newly made lord chief justice of England, who, with Mr. Justice Withings, danced with the bride, and was exceeding merry." "These great men," continues Mr. Evelyn, "spent the rest of the afternoon, until eleven at night, in drinking healths, taking tobacco, and talking much beneath the gravity of judges who had but a day or two before condemned Mr. Algernon Sidney." (*Memoirs*, vol. . 530.)

before him, he became his seat of justice better than any other I ever saw in his place. He took a pleasure in mortifying fraudulent attorneys, and would deal forth his severities with a sort of majesty. He had extraordinary natural abilities, but little acquired, beyond what practice in affairs had supplied. He talked fluently, and with spirit; and his weakness was that he could not reprehend without scolding; and in such Billinsgate language, as should not come out of the mouth of any man. He called it "giving a lick with the rough side of his tongue." It was ordinary to hear him say, "Go, you are a filthy, lousy, knitty rascal;" with much more of like elegance. Scarce a day passed that he did not chide some one or other of the bar, when he sat in the Chancery: and it was commonly a lecture of a quarter of an hour long. And they used to say, "This is yours; my turn will be to-morrow." He seemed to lay nothing of his business to heart, nor care what he did, or left undone; and spent, in the Chancery court, what time he thought fit to spare. Many times, on days of causes at his house, the company have waited five hours in a morning, and, after eleven, he hath come out inflamed, and staring like one distracted. And that visage he put on when he animadverted on such as he took offence at, which made him a terror to real offenders; whom also he terrified, with his face and voice,

as if the thunder of the day of judgement broke over their heads: and nothing ever made men tremble like his vocal inflictions. He loved to insult, and was bold without check; but that only when his place was uppermost. To give an instance. A city attorney was petitioned against for some abuse; and affidavit was made that, when he was told of my lord chancellor, "My lord chancellor," said he, "I made him;" meaning his being a means to bring him early into city business. When this affidavit was read, "Well," said the lord chancellor, "then I will lay my maker by the heels." And, with that conceit, one of his best old friends went to jail. One of these intemperances was fatal to him. There was a scrivener of Wapping brought to hearing for relief against a bummery bond; the contingency of losing all being showed, the bill was going to be dismissed. But one of the plaintiff's counsel said that he was a strange fellow, and sometimes went to church, sometimes to conventicles; and none could tell what to make of him; and "it was thought he was a trimmer." At that the chancellor fired; and "A trimmer!" said he; "I have heard much of that monster, but never saw one. Come forth, Mr. Trimmer, turn you round, and let us see your shape:" and, at that rate, talked so long that the poor fellow was ready to drop under him; but, at last, the bill was dismissed

with costs, and he went his way. In the hall, one of his friends asked him how he came off? "Came off," said he, "I am escaped from the terrors of that man's face, which I would scarce undergo again to save my life; and I shall certainly have the frightful impression of it as long as I live." Afterwards, when the Prince of Orange came, and all was in confusion, this lord chancellor, being very obnoxious, disguised himself in order to go beyond sea. He was in a seaman's garb, and drinking a pot in a cellar.* This scrivener came into the cellar after some of his clients; and his eye caught that face, which made him start; and the chancellor, seeing himself eyed, feigned a cough, and turned to the wall with his pot in his hand. But Mr. Trimmer went out, and gave notice that he was there; whereupon the mob flowed in, and he was in extreme hazard of his life; but the lord mayor saved him, and lost himself. For the chancellor being hurried with such crowd and noise before him, and appearing so dismally, not only disguised, but disordered; and there having been an amity betwixt them, as also a veneration on the lord mayor's part, he had not spirits to sustain the shock, but fell down in a

* In the Lives of the Chancellors he is said to have been found "at a little pedling ale-house, being the sign of the Red Cow, in Anchor and Hope Alley, near King Edward's Stairs." (Vol. i. p. 185.)

swoon; and, in not many hours after, died.* But this Lord Jeffries came to the seal without any concern at the weight of duty incumbent upon him; for, at the first, being merry over a bottle with some of his old friends, one of them told him that he would find the business heavy. "No," said he, "I'll make it light." But, to conclude with a strange inconsistency, he would drink, and be merry, kiss and slaver, with these bon companions over night, as the way of such is, and, the next day, fall upon them, ranting and scolding with a virulence insufferable.

Digression to show the government had reason, at this time, to be careful what judges were trusted.

Some time before his lordship was preferred to the great seal, the Lord Chief Justice Pemberton was removed, and was succeeded by Sir Edmund Saunders. Both of whom, being eminent in the profession of the law, and contemporaries of his lordship, I shall take this opportunity of saying something of their characters: but, before I proceed so far, it will be proper to solve a question much tossed about in those days. And that was whether the court was not to blame, for appointing men to places of judgment, when great matters of law, and of mighty consequence, depended to be heard and determined, whose

* "The lord mayor was so struck with the terror of this rude populace, and with the disgrace of a man who had made all people tremble before him, that he fell into fits upon it, of which he died soon after." (*Burnet's Own Times*, vol. iii. p. 1368.)

opinions were known beforehand; of which it is easy to say (as the anti-court party did) that judges were made to serve turns. This question turns upon the supposed integrity of the government. They are, as all governments must be, intrusted with power; which power may be used to good or ill purpose. If it be to ill, it is no objection to the reasonableness of the power, because power must be. Here a government is beset with enemies, ever watching for opportunities to destroy it; and, having a power to choose whom to trust, the taking up men, whose principles are not known, is more than an even chance that enemies are taken into their bosom. Here the government first consulted of the justice by law against the city's charter, and found, by clear advice, that it was forfeited, and ought to be accordingly condemned; and, upon the event, vast importances hung; even the peace of the nation. Would any government in the world, trust that justice to the arbitrament of enemies, or run the hazard of having such? Or, were it a doubt of opinion only, would they not be sure of men to judge, whose understandings and principles were foreknown? What is the use of power, but to secure justice? It may, it is true, protect the contrary; and so men may kill one another; as they say that every single man hath the power of life and death. But that is not an exception

against the just use of a power, or that men may not carry knives in their pockets. But it is to be observed that these kind of objections are commonly wheedles; and, if governors hearken to them, they are probably lost; and those who are the objectors, laugh in their sleeves, and, in their turn, outdo, many bars, all that themselves found fault with. The true distinction is, when governments use powers that do not belong to them (as high courts of justice); and when they use only such powers as are properly lawful, as the ordinary courts of the common law. It is a maxim of law "that fraud is not to be assigned in lawful acts." If governments secure their peace by doing only what is lawful to be done, all is right. If they suffer encroachments, and, at length, dissolution, for want of using such powers, what will it be called but stupidity and folly?* But to proceed to what I intended.

Lord Chief Justice Pemberton, his beginnings bad, and authority abused.

The Lord Chief Justice Pemberton was a better practiser than a judge; for, being made chief justice of the King's Bench, he had a towering opinion of his own sense and wisdom, and rather made, than declared, law. I have heard his lordship say that, "in making law, he had out-

* The whimsical reasoning of the author in this digression will scarcely be thought to demand a comment. Perhaps the best answer to it is a reference to the history of the time, which sufficiently shows the ruinous nature of such principles.

done King, Lords, and Commons." This may seem strange to such as see not the behaviour of judges, and do not consider the propensity of almost all to appear wiser than those that went before them. Therefore it is the most impartial character of a judge to defer to eldership, or antiquity. But to proceed: this man's morals were very indifferent; for his beginnings were debauched, and his study and first practice in the gaol. For, having been one of the fiercest town rakes, and spent more than he had of his own, his case forced him upon that expedient for a lodging: and there he made so good use of his leisure, and busied himself with the cases of his fellow collegiates, whom he informed and advised so skilfully, that he was reputed the most notable fellow within those walls; and, at length, he came out a sharper at the law. After that, he proceeded to study and practice, till he was eminent, and made a serjeant. After he was chief justice of the King's Bench, he proved, as I said, a great ruler, and nothing must stand in the way of his authority. I find a few things noted of him by his lordship.

Mortified an attorney to death.

"Case of Lady Ivye, where advised that there "was subornation, for which Johnson was ruined, "and heart broke.*"

* See 10 State Trials, 627.

The lady prosecuted Johnson for this subornation, by information in the King's Bench, and the cause was tried before Pemberton. It appeared that Johnson had no concern, or words, but by way of advice to his client; but he was borne down and convict; at which the fellow took despair, and died. It was thought his measure was very hard and cruel; and that some mighty point of interest, in her ladyship's law-suits, depended upon this man's suffering.

" Doyly's settlement a cheat, for want of words " usual. Q. by whose contrivance. But he ad- " vised."

Concerned in a fraudulent conveyance for Sir William Doyly.

This fraudulent conveyance was managed between Sir Robert Baldock and Pemberton. It is certain it was passed by Pemberton, who was the counsel chiefly relied on; but not so certain it was his contrivance; for Baldock had wit and will enough to do it. The device was to make two jointures, as of the manors of A and B, complete, and without words of reference of the one to the other, as *in part*, &c. or *together with——in full*, whereby the one called upon the other. The use made of this trick was mortgaging both these estates as free, but, in truth, incumbered with the jointure and settlement. For, upon the proffer of A to be mortgaged, and the counsel demanding a sight of the marriage settlement, that of B was showed. Then, upon the proffer of B. the settle-

ment of A was showed; and so the cheat passed of both.

Removed before the judgment against London upon the *quo warranto*.

This chief justice sat in the King's Bench till near the time that the great cause of the *quo warranto* against the city of London was to be brought to judgment in that court; and then his majesty thought fit to remove him. And the truth is, it was not thought any way reasonable to trust that cause, on which the peace of the government so much depended, in a court where the chief never showed so much regard to the law as to his will, and notorious as he was for little honesty, boldness, cunning, and incontrollable opinion of himself. After this removal, he returned to his practice, and by that (as it seems the rule is) he lost his style of lordship, and became bare Mr. Serjeant again. His business lay chiefly in the Common Pleas, where his lordship presided: and however some of his brethren were apt to insult him, his lordship was always careful to repress such indecencies; and not only protected, but used him with much humanity. For nothing is so sure a sign of a bad breed as insulting over the depressed.*

* Sir Francis Pemberton was appointed one of the justices of the King's Bench in Easter term, 1679, (2 *Shower's Rep.* 94, 33.) In Hilary term he "received his *quietus*, and afterwards practised again in all the courts in Westminster-hall, but without the bar as a serjeant (2 *Shower's Rep.* 94.) In

The Lord Chief Justice Saunders succeeded in the room of Pemberton. His character, and his beginning, were equally strange. He was at first no better than a poor beggar boy, if not a parish foundling, without known parents, or relations.

The Lord Chief Justice Saunders of wonderful beginning, and extravagant character.

Easter term, the following year, he was made chief justice of the King's Bench in the place of Scroggs, who had been displaced, (2 *Shower's Rep.* 155,) and in the vacation after Michaelmas term, 1682, he was removed to the chief justiceship of the Common Pleas, (2 *Shower's Rep.* 252.) While in the latter seat, he presided at the trial of Lord Russel, and his conduct upon that occasion is said to have been so displeasing to the court, as to have led to his removal, which took place in the long vacation of the same year, (1683) when, as stated in the text, he was succeeded by Sir Edmund Saunders, and "having lost his style of lordship, became bare Mr. Serjeant again."

Burnet has given the following character of Pemberton. "His rise was so particular, that it is worth the being remembered. In his youth he mixed with such lewd company, that he quickly spent all he had, and ran so deep in debt that he was cast into a jail, where he lay many years: but he followed his studies so close in the jail that he became one of the ablest men in his profession. He was not wholly for the court; he had been a judge before, and was turned out by Scroggs' means, and now was raised again, and was afterwards made chief justice of the other bench, but not being compliant enough, he was turned out a second time, when the court would be served by none but by men of a thorough-paced obsequiousness." (*Burnet's Hist.* vol. ii. p. 870. *See also* 9 *State Trials*, 580.) According to Evelyn, Pemberton "was held to be the most learned of the judges, and an honest man." (*Memoirs*, vol. i. p. 527.)

He had found a way to live by obsequiousness (in Clement's-Inn, as I remember) and courting the attorneys' clerks for scraps. The extraordinary observance and diligence of the boy, made the society willing to do him good. He appeared very ambitious to learn to write; and one of the attornies got a board knocked up at a window on the top of a staircase; and that was his desk, where he sat and wrote after copies of court and other hands the clerks gave him. He made himself so expert a writer that he took in business, and earned some pence by hackney-writing. And thus, by degrees, he pushed his faculties, and fell to forms, and, by books that were lent him, became an exquisite entering clerk; and, by the same course of improvement of himself, an able counsel, first in special pleading, then at large. And, after he was called to the bar, had practice, in the King's Bench court, equal with any there. As to his person, he was very corpulent and beastly; a mere lump of morbid flesh. He used to say, "by his troggs," (such a humorous way of talking he affected) "none could say he wanted issue of his body, for he had nine in his back." He was a fetid mass, that offended his neighbours at the bar in the sharpest degree. Those, whose ill fortune it was to stand near him, were confessors, and, in summer-time, almost martyrs. This hateful decay of his carcase came upon him by

continual sottishness; for, to say nothing of brandy, he was seldom without a pot of ale at his nose, or near him. That exercise was all he used; the rest of his life was sitting at his desk, or piping at home; and that home was a taylor's house in Butcher-Row, called his lodging, and the man's wife was his nurse, or worse; but, by virtue of his money, of which he made little account, though he got a great deal, he soon became master of the family; and, being no changeling, he never removed, but was true to his friends, and they to him, to the last hour of his life.

His great parts, law, and goodness of nature as well as honesty.

So much for his person and education. As for his parts, none had them more lively than he. Wit and repartee, in an affected rusticity, were natural to him. He was ever ready, and never at a loss; and none came so near as he to be a match for Serjeant Maynard. His great dexterity was in the art of special pleading, and he would lay snares that often caught his superiors who were not aware of his traps. And he was so fond of success for his clients, that, rather than fail, he would set the court hard with a trick; for which he met sometimes with a reprimand, which he would wittily ward off, so that no one was much offended with him. But Hales could not bear his irregularity of life; and for that, and suspicion of his tricks, use to bear hard upon him in the court. But no ill usage from the bench was too hard for

his hold of business, being such as scarce any could do but himself. With all this, he had a goodness of nature and disposition in so great a degree that he may be deservedly styled a philanthrope. He was a very Silenus to the boys, as, in this place, I may term the students of the law, to make them merry whenever they had a mind to it. He had nothing of rigid or austere in him. If any, near him at the bar, grumbled at his stench, he ever converted the complaint into content and laughing with the abundance of his wit. As to his ordinary dealing, he was as honest as the driven snow was white; and why not, having no regard for money, or desire to be rich? And, for good nature and condescension, there was not his fellow. I have seen him, for hours and half-hours together, before the court sat, stand at the bar, with an audience of students over against him, putting of cases, and debating so as suited their capacities, and encouraged their industry. And so in the Temple, he seldom moved without a parcel of youths hanging about him, and he merry and jesting with them.

Taken into the king's business, then chief justice of the King's Bench, and went off in an apoplexy and palsy.

It will be readily conceived that this man was never cut out to be a presbyter, or any thing that is severe and crabbed. In no time did he lean to faction, but did his business without offence to any. He put off officious talk of government or politicks, with jests, and so made his wit a catho-

licon, or shield, to cover all his weak places and infirmities. When the court fell into a steady course of using the law against all kinds of offenders, this man was taken into the king's business; and had the part of drawing, and perusal of almost all indictments and informations that were then to be prosecuted, with the pleadings thereon if any were special; and he had the settling of the large pleadings in the *quo warranto* against London. His lordship had no sort of conversation with him, but in the way of business, and at the bar; but once, after he was in the king's business, he dined with his lordship, and no more. And there he showed another qualification he had acquired, and that was to play jigs upon an harpsichord; having taught himself with the opportunity of an old virginal of his landlady's; but in such a manner, not for defect but figure, as to see him were a jest. The king, observing him to be of a free disposition, loyal, friendly, and without greediness or guile, thought of him to be the chief justice of the King's Bench at that nice time. And the ministry could not but approve of it. So great a weight was then at stake, as could not be trusted to men of doubtful principles, or such as any thing might tempt to desert them. While he sat in the court of King's Bench, he gave the rule to the general satisfaction of the lawyers. But his course of life was so different from what it had been, his

business incessant, and, withal, crabbed; and his diet and exercise changed, that the constitution of his body, or head rather, could not sustain it, and he fell into an apoplexy and palsy, which numbed his parts; and he never recovered the strength of them. He out-lived the judgment in the *quo warranto;* but was not present otherwise than by sending his opinion, by one of the judges, to be for the king, who, at the pronouncing of the judgment, declared it to the court accordingly, which is frequently done in like cases.*

His lordship decreed an eminent lawyer to pay his 2000*l.* to the Duke of Bucks.

But, to return to his lordship. I may state another case,† in which it appeared his lordship's consideration of justice surmounted his will, which was always inclined to be good to those of his profession, especially if he had a real value and esteem for them. The Duke of Bucks was disposed to sell an estate in Leicestershire. It was while my Lord Nottingham had the great seal. His son Heneage, a celebrated orator in chancery practice, had formerly bought of the duke an estate at Aldborough in Sussex: and not a few suits depended

* "The two Judges declared upon the bench that their brother Raymond was of the same opinion with them, and that so was the Lord Chief Justice Sanders, though he indeed was past his senses, and had only understanding enough left to expostulate with them, why they would trouble him when he had lost his memory." (*Kennet*, vol. iii. p. 395, *and see the Examen*, p. 644.)

† Reported in 1 Eq. Ca. Ab. 18, c. 10. 1 Vern. 227.

in court between his grace and his creditors and trustees, in which the contention ran high. Mr. Ambrose Philips, an eminent practiser in the court, sought to buy the Leicestershire estate of the Duke of Bucks, and contrived to use the name of Mr. Heneage Finch in the treaty. On the other side, it was told the duke that, if he let Mr. Finch have the purchase at an easy rate, it would be taken as a respect, and turn to account in his causes. So the matter went on, and the purchase, by payment and sealing, finished. Then the duke found out that he had been imposed on, and that Philips, and not Finch, was the real purchaser; which if he had known before, he would not have taken under 2000*l.* more than the price he had received. He was so unsatisfied, that he brought a bill against Philips to be relieved as to this 2000*l.*, and, by circumstances in the cause, it was plain to his lordship that the duke's price took in that 2000*l.*, but that, for Mr. Finch's sake (or rather his father's) he had bated it; and also that it was so pretended to him only to make him bate that sum; so that his lordship decreed Philips to pay that sum, over and above his purchase money; which 2000*l.* he had got off by a wily false pretence of Mr. Finch's being the purchaser.

I shall not select any more of his causes here. These were such as none ever traduced; and they may be collated with some others that have been

Conclusion, as to matters of chancery.

And his lordship's thoughts of not selling the places of masters in chancery.

so used, to be found in fit place; where it will appear that interest and faction will attack the best, as well as worst, actions of a magistrate: for slander is an accuser, and not a defender, and makes the worst construction, even of the worthiest proceedings; and, when strictly just, allows none at all to be, as they ought to be, esteemed good. But I must not forget to mention one serious deliberation his lordship had with himself touching the places of masters in chancery; whether he should sell them for a price, or give them freely. And once he was inclined, and almost resolved to give them, being of opinion that the court had not so much power to coerce exorbitances, or to control their profits, when they bought their places, as if they were conferred gratis: for, upon the least rumour of a reform, they cry out *purchase*, *valuable consideration*, &c. Otherwise, there might be a power, for the good of the suitors, and advancement of justice, to curtail even their accustomed profits. But, upon mature consideration of the matter, it did not appear certain to his lordship, that pure gift would entitle him to that arbitration over them as he desired, and thought to use; but, as soon as they were touched, they, and all their tribe of relations, friends, and interests, nay, other officers, with theirs also, would raise as hideous a clamour, and be as troublesome to his lordship, as if he had

bestowed them free. And then he could not hope to return the whole twelve, while he sat there, whereby to lay all under an equal circumstance: And it was a regulation that could not be made but by public authority, which might control all alike; and he had no reason to quit a certain advantage to himself, upon a very doubtful prospect to do any good thereby. And he also reflected how indifferently such a generous act would be accepted by the public. It would have been termed either vanity, or folly; and, perhaps, both: and all the skilful had reputed no better of him; and so, instead of having the action approved, he had been rendered contemptible for it, as one that did not understand his own advantages. If selling such places was inconvenient, constant usage, that established it, must answer. A thankless good-will is a weak virtue, and apt to yield to interest. So his lordship gave way to follow the steps of his predecessors, and disposed those places for a price, as they had done before him; but withal, to be satisfied of the character and fitness of the person presented to him.*

The state and original of the Cabinet Council.

We here take leave of the high Court of Chancery (a gross cargo upon the shoulders of the lord keeper), having little or nothing more to say of that

* The sale of these offices formed one article in the charges against the Lord Chancellor Macclesfield. *(See his case, Howell's State Trials;* vol. xvi. p. 767.)

grand judicial province; and repair to the state court, where the king was left in full honour and tranquillity. His lordship designed to have left behind him the transactions of the court, during his ministry as lord keeper, compiled by himself. I have heard him commend the passage of Tacitus in his history, to begin with the characters of persons active in public affairs, and then the state of the empire. And he had gone so far towards it, as to note down some names of persons considerable at court, whom he intended to characterise and decypher; with abundance of items and passages: but he had no time, nor life, to bring any such design to perfection. He begins with the state of the Cabinet Council, that consisted of those few great officers, and courtiers, whom the king relied upon for the interior dispatch of his affairs. And as offices of the law, out of clerkships, spawn other offices, so this council was derived from the Privy Council, which, originally, was the same thing, and derived out of the *magnum concilium*, by that name, mentioned in the rolls of parliament; and the same, out of parliament, authorized by King Henry VII. was known by the place where it sat, viz. the Star-chamber. Assemblies, at first, reasonably constituted of a due number and temper for dispatch of affairs committed to them, by improvident increase, came to be formal and troublesome, the certain consequence of multitude,

and thereby a new institution becomes necessary: whereupon it is found easier and safer to substitute than to dissolve. Thus the cabinet council, which, at first, was but in the nature of a private conversation, came to be a formal council, and had the direction of most transactions, of the Government, foreign and domestic. The Spaniards have peculiar councils, called juntos, assigned to each great branch of the royal power, which prevents such sub-emergent councils as these.

His lordship's first note is, "Seymour lately "withdrawn." His lordship's notes; and first concerning Edward Seymour.

This Mr. Seymour was eldest son of Sir Edward Seymour of Devonshire, one of the knights of the Bath. From being a wild spark about town, he came early into the court, and was of that gang that routed the Lord Chancellor Hyde. His entrance was through the parliament; for, being buoyed upon the Western alliance, he was considerable in the House of Commons. He served as speaker there divers years, and, as such, was called to the Privy Council. He was ambitious and proud in the highest degree;* and was sup-

* "He had a sort of pride so peculiar to himself, that I never saw any thing like it:—he had neither shame nor decency with it. He was violent against the court, till he forced himself into good posts. He was the most assuming speaker that ever sat in the chair. He knew the House, and every man in it, so well, that by looking about he could tell the fate of

posed to decline no means that tended to his advancement. When he was of the Privy Council, he scorned to speak at the lower end, where his place was, but commonly walked up nearer the king, and, standing behind the chairs of the chancellor, or other great lords, spoke to the king. And, as his nature, so his speeches were often arrogant and disrespectful. Once, at the council, he said to the king, "Sir, how long will your majesty prevaricate with yourself?" The king, muttering, repeated the word "prevaricate" divers times, but made no reply. This, probably, joined with other like-tempered speeches, lost him the king's favour. It is very imprudent to give offence to great men; and no honest meaning will set it right: for it loosens the personal interest of the adviser, and, consequently, the efficacy of the advice. It is said that Æsop reproached Solon for his unsavoury answer to Crœsus; for, said he, "What did you come for, if you did not intend to

any question." (*Burnet's Own Time*, vol. ii. p. 656.) He subsequently quarrelled with the court on the question of the Bill of Exclusion, and was one of the first to welcome the Prince of Orange. He was a very corrupt man, and in the year 1680 was impeached for his misconduct. (*See the proceedings, Howell's State Trials*, vol. viii. p. 127.) Dryden, in his Absalom and Achitophel, has drawn a most partial character of him under the name of Amiel, representing him

"Of ancient race by birth, but nobler yet
In his own worth, and without title great.

please the man?" His lordship was very sorry that Seymour was gone; because his assuming temper might have allayed the overweening forwardness of some others of the great men; and he thought him to be a man of honour, and cordial to the true English interest.

His lordship's state of the cabinet was wrote thus: The posture of the cabinet, and characters of the counsellors.

"Posture of the cabinet.

"Earl of Radnor, lord president.

"Marquis of Halifax, lord privy seal.

"Lord Conway, } secretaries.
"Secretary Jenkins, }

"Lord Rochester of the treasury.

"Duke of Ormond.

"Sidney Godolphin."

This posture of the cabinet pleased his lordship well enough; and it is plainly that which stood when he entered, because no notice is taken of the Earl of Nottingham, lord chancellor.—The Earl of Radnor, formerly Lord Roberts of Cornwall, was a good old English lord, who was a malcontent when that, called the Cabal, reigned under the influences of Clifford and Shaftesbury. But, upon the rising of the contrary (or, rather, fanatic) party, that apparently distressed the king, and thereby forced him upon measures of safety, which were also the true interest of his Government, the Lord Roberts came in, and, not-

withstanding his uncontrollable testiness and perverse humours, did the king very good service.*— The Marquis, formerly Sir Henry Savile of the North, was a person of incomparable wit, formerly a malcontent also, but came in to rescue the crown, and continued firm all King Charles the Second's reign; but then, and afterwards, he openly oppugned popery, and particularly in the reign of King James II.† For, when the point of taking

* He was, according to Burnet (vol. i. p. 157), a man of a morose and cynical temper, just in his administration, but vicious under the appearance of virtue; learned beyond any man of his quality, but intractable, stiff, and obstinate. See Clarendon's character of this nobleman, (*Life of Lord Clarendon*, vol. ii. p. 193). His lady was one of the celebrated beauties of Charles's court, and figures in the Memoirs of the Count de Grammont, where his lordship is styled "an old, snarling, troublesome, peevish fellow." (vol. ii. p. 112.)

† Lord Halifax was the head of the party called *Trimmers*, and in some respects partook of the qualities which distinguished the mercurial Shaftesbury. "He studied to oppose every thing, and to embroil matters all he could. His spirit was restless, and he could not bear to be out of business." (*Burnet.*) Dryden thus describes him in his Absalom and Achitophel:

> Jotham of piercing wit and pregnant thought
> Endued by nature, and by learning taught
> To move assemblies, but who only tried
> The worse awhile, then chose the better side;
> Nor chose alone, but turn'd the balance too,
> So much the weight of one brave man can do.

Lord Halifax is said to have left in MS. Memoirs of him-

away the Test and penal laws was urged, with pretence of an equivalent, he wrote a small tract called "The Anatomy of an Equivalent."*—Of the secretaries, the Lord Conway was rather a person of great interest, fortune, and pleasure, than cut out for application to much business.† But Sir Leoline Jenkins was the most faithful drudge of a secretary, that ever the court had. He was a civil lawyer, bred and practised; and, from the top of that profession, was taken into the court.‡ For he was dean of the Arches, judge

self and his times, which were destroyed after his death. Such a work would, undoubtedly, have been one of high value and interest.

* "Many books," says Burnet, "were now writ for liberty of conscience, and since all people saw what security the Tests gave, these spoke of *an Equivalent* to be offered, that should give a further security beyond what could be pretended from the Test. It was never explained what was meant by this; so it was thought an artificial method to lay men asleep with a high-sounding word." The Anatomy of an Equivalent is comprised in Lord Halifax's Miscellanies.

† "He was so very ignorant of foreign affairs, that, his province being the North, when one of the foreign ministers talked to him of the Circles of Germany, it amazed him: he could not imagine what circles had to do with affairs of state." (*Burnet's Own Time*, vol. ii. p. 919.)

‡ "He was," says Burnet, "a man of an exemplary life and considerably learned; but he was dull and slow. He was suspected of leaning to popery, though very unjustly. But he was set on every punctilio of the Church of England to superstition, and was a great asserter of the Divine right of

of the Admiralty for divers years, and withal (as the way of that faculty is) practised as advocate in all courts where he was not judge. He was also his majesty's advocate-general. This good man was ambassador, and went through the treaty of Nimeguen, and, coming home, was made secretary. His learning, and dexterity in business, was great; but his fidelity surmounted all; for which reason he was maligned, by the fanatics, in the highest degree, even to persecute his name and fortunes after he was dead; as is showed in the Examen. His lordship contracted an intimacy with this gentleman, which I might call friendship; but the character is too general; and their union was purely respecting the king's affairs, in which they laboured with an exemplary accord. The Lord Rochester,* formerly Lawrence Hyde,

monarchy, and was for carrying the prerogative high." (*Own Time*, vol. ii. p. 837.) Pepys terms him "an excellent man both for judgment and temper, (yet majesty enough,) and by all men's reports not to be corrupted." (*Diary*, vol. ii. p. 33.) He was employed as one of the Plenipotentiaries, at the peace of Nimeguen, of which the details are given in his published correspondence. He died in 1685, aged 62.

* Lawrence Hyde was the second son of the celebrated Earl of Clarendon, and was created Earl of Rochester by Charles II. The character of him given in the text agrees substantially with that drawn by James II. (*see Life of James II.* vol. ii. p. 98, &c.) Rochester lost the king's favour through the intrigues of Sunderland, who persuaded James that Rochester "had great dispositions to change his religion."

one of the younger sons of the Earl of Clarendon, was a person adroit in all matters of wit and business, being observed to be always early, plodding at the scrutiny of accounts and estimates, before the other lords came. His infirmities were, passion, in which he would swear like a cutter; and the indulging himself in wine. But his party was that of the church of England, of whom he had the honour, for many years, to be accounted the head. For all men, that aim to become great, espouse a party, and, if possible, get to be trusted as the head of it, for then they have somewhat wherewith to terrify, and, on the other side, for their own interest, to sell, or betray. The Duke of Ormond was a nobleman of rigorous honour, and who, next the crown, had the chief authority

The king accordingly proposed that he should attend a conference of Divines, to which his lordship assented, but treated the arguments of the Catholic disputants with such contempt, as to forfeit for ever his majesty's good opinion. (*See an account of the Conference, Burnet,* vol. iii. p. 1166. *Kennet,* vol. iii. p. 451.) Dryden has celebrated Lord Rochester under the name of Hushai:—

> Hushai, the friend of David in distress,
> In public storms of manly steadfastness;
> By foreign treaties he inform'd his youth,
> And join'd experience to his native truth.

The diplomatic situations, to which the poet alludes, were the embassies of Lord Rochester to Poland and Holland, and his employment as one of the plenipotentiaries at the siege of Nimeguen. (*See Scott's Dryden,* vol. ix. p. 307.)

in Ireland. He was an old cavalier, and inexpugnable loyalist. Mr. Godolphin was a courtier at large, bred a page of honour; he had, by his study and diligence, mastered, not only all the classical learning, but all the arts and entertainments of the court; and, being naturally dark, and reserved, he became an adept in court politics. But his talent of unravelling intricate matters, and exposing them to an easy view, was incomparable. He was an expert gamester, and capable of all business in which a courtier might be employed. All which, joined with a felicity of wit, and the communicative part of business, made him be always accounted, as he really was, a rising man at court.*

* Of Godolphin, who enjoyed the confidence of four successive Sovereigns, Burnet has left us the following singular character. "He was the silentest and modestest man that was perhaps ever bred in a court: he had a clear apprehension, and despatched business with great method, and with so much temper that he had no personal enemies; but his silence begot a jealousy, which has hung long upon him. His notions were for the court, but his incorrupt and sincere way of managing the concerns of the Treasury, created in all people a very high esteem for him. He loved gaming the most of any man of business I ever knew; and gave one reason for it, because it delivered him from the obligation to talk much. He had true principles of religion and virtue, and was free from all vanity, and never heaped up wealth, so that all things being laid together, he was one of the worthiest and wisest men that has been employed in our time." (*Own Time,*

His lordship's next note stands thus,

" Alterations.

" Lord Sunderland introduced, and made secre-
" tary in the room of the Lord Conway."

This change was very mysterious at that time; but the sequel hath demonstrated that the Duke of York brought it about;* for the Lord Sunderland had engaged in all his measures, and wrought accordingly, till he had his own design accomplished in the ruin of his master. He had been secretary before, and came in when the Lord Shaftesbury was made lord president of the council, and then was looked upon as an omen of a falling court: so early was he understood. It is well remembered, that, when the factious side of that council, and no less the House of Commons, were intent upon turning out the king's friends, and placing the opposites in their room, and divers heaves were made at the Duke of Lauderdale, and the Lord Keeper North, and the commissions of the peace and lieutenancy were to be reformed, there was not a little opposition made; and the king was careful, by not yielding to these men, to

Lord Sunderland and his behaviour, between whom and his lordship there was a natural antipathy.

vol. ii. p. 831.) Godolphin refused to accede to the unconstitutional attempts of James to govern without a Parliament. (*See Dalrymple's Appendix*, p. 156.)

* It appears from the Memoirs of James II. that Sunderland was brought in by the Duchess of Portsmouth's influence, which James did not dare to oppose. (*Life of James II.* vol. i. p. 736.)

save himself. The speech of this noble lord at the council, in his drawling way, is related in the Examen,* and will serve to illustrate the politics of that peer. The king could not, at that time, bear with him long, but turned him out; and so the council was purged; for the rest of the party were disbanded, or left out, or deserted about the same time. All this was less strange than his coming in again. We thought that the Duke of York had not interest enough to have done it without the adjunct of the French ladies, whose favour, with money and courtship, he failed not to purchase. It is certain that he was a most fastidious aversion to the Lord Keeper North. They say that animals, out of a contrariety of their natures, have a mutual antipathy, and can scarce

* P. 77; where we have a very amusing specimen of the court pronunciation in the reign of Charles II. "And then my Lord Sunderland, in his court tune, (for which he was very particular, and in speaking had made it almost a fashion to distend the vocal letters,) 'Whaat,' said he, 'if his maajesty taarn out faarty of us, may not he have faarty others to saarve him as well? and whaat maatters who saarves his maajesty, so lang as his maajesty is saarved?'" It appears that Oates thought proper to adopt the same affected pronunciation. At the bar of the House of Commons he accused the Queen of high treason in these words: "Aye, Taitus Oates, accause Catherine, Quean of England, of haigh traison."—*Examen*, p. 186. The author of Peveril of the Peak is therefore mistaken in saying that "his pronunciation was after a conceited fashion of his own."

bear the sight of each other. I know well that his lordship scarce ever saw, or spoke of him, without a chagrin; and, after he was restored to the secretary's office, and place in the cabinet, his lordship declared he had no hopes of any good at court. Nor was this noble lord behind-hand with his lordship, in his kind thoughts towards him; which, sprouting out in speeches and actions, were as venomous as the deadly nightshade; but, for want of apt concurrents, as to all harm to his lordship, or his reputation, vain and enervous. He laid a plot to fasten a whore upon his lordship, that he might lose the reputation he had of moral virtue untainted. That he rode upon a rhinoceros, that he might be despised; and other stratagems as silly, of which a particular account will be given elsewhere: and all this without the least offence, by word or action, on his lordship's part to disgust him. But the canker was his lordship's unmoved constancy and fidelity to the church and monarchy settled by law, both which his lordship (the earl) wrought to overturn: and he could not bear such an obstacle in his way, without attempting to remove it. However, such enmities at court have the effect of friendships elsewhere: for a man is known by his avoiding, as well as by his herding with particular people. I must not forget to add here, that his lordship, by his external behaviour, with respect to this state secretary,

made no resentments for his clandestine injury, but kept that even temper with him as the king's affairs required he should do. His lordship had a brother-in-law, who, being a courtier, and of a lofty genius, habituated in the gaming society of that lord, and was so far imposed on as to mediate a nearer conversation with him; and it went so far, that his lordship yielded to a project of an invitation by dining with the secretary; and I had the honour to be there: but I must say, that I never saw so silent a feast as that was. There was little to be amended, for little was said on either side. We came away; and his lordship chose to be so far rude as not to cross invite, rather than bear the like consequences of such another intercourse of his own designing.

The next note runs thus, "Spring 1684. Secretary Jenkins quits to Sidney Godolphin."*

The worth of Sir Leoline Jenkins, and the change much for the worse.

The loss of this secretary was a great mortification to his lordship. I have often heard him say, upon that occasion, that he was absolutely alone in the court; and that no one person was left in it, with whom he could safely confer in the affairs of the public. While the secretary stood, and the Lord Halifax, and the Lord Hyde, who had spirits, and were hearty, they often met at the

* According to Sir John Reresby, this change was "not made without the participation of the Duchess of Portsmouth."—(*Memoirs*, p. 181.)

secretary's in evenings, to consider of such dependances as were to come before the king the next day. The benefit of which was very considerable to the king's affairs, as well as to themselves; for so the matters were better understood than if no previous deliberation had been taken; and they were not unprepared to speak to them in terms proper for his majesty to entertain without mistakes, or clashing one with another; as happens, sometimes, about mere words, when the thing is agreed. But, after this change, they all began to look gravely upon one another, and to talk only of indifferent things. This secretary was not turned out, but quitted for consideration, as the note implies. He was a person that, together with incomparable veracity, fidelity, industry, and courage, had some personal failings; for, being used to forms, he was a little pedantic, and of a tender visage; for being inclined to laugh immoderately at a jest, especially if it were smutty, the king found him out, and failed not, after the tendency of his own fancy, to ply his secretary with conceits of that complexion; and so had the diversion of laughing at the impotence of the other's gravity. It is not amiss to subjoin here an *historiette*, to show the value of this minister. In the Westminster parliament, the House of Commons was very averse to the court, and, from a party very prevalent there, the loyalists fell under great discou-

ragements. Among the rest, this good secretary was found fault with for something relevant he had uttered on the court side. Divers members, from the humility of his manner in speaking, supposed him to be a mild yielding man, and, to expose him, consulted about censuring his words, and ordering him to the bar, and to ask pardon upon his knees. And if this experiment had been pushed, and he had squeaked, as they call it, that is recanted, and whined for an excuse, then he had been lost in every respect; for a sneaking man is despised and rejected on all sides. But for fear this, in the execution, might have an unlucky return upon them, they resolved first to sound him; for a secretary of state is no slight person to send to the Tower, as must have been done of course, if he had stood firm. Thereupon, some half-faced friends told him that he would be accused, and must kneel. He answered them, in his formal way, "that he was a poor creature, not worth the resentment of the House: he should be always submissive to such great men as they were, in every thing that concerned himself. But, as he had the honour to be his majesty's secretary of state, the case was not his, but his master's, and, by the grace of the living God, he would kneel to, and ask pardon of, no mortal upon earth, but the king he served, and to him only would he give an account of any thing done with intent to

serve him." This showed that the business was like to be too hot for that time, and the design of it like to fail; and so it was let drop. But the secretary was met with at Oxford, when he was ordered to carry up the impeachment against Fitzharris; and, after all his huffing and striving, he found it best to do it.* But, to return, it was notorious that, after this secretary retired, the king's affairs went backwards; wheels within wheels took place; the ministers turned formalisers, and the court mysterious. And no wonder when the two then secretaries, professed gamesters and court-artists, supplied the more retired cabals, and, being habituated in artifice, esteemed the honest plain dealers, under whose ministry the king's affairs were so well recovered, to be no better than beasts of burthen. And the next note shows the result of this mercurial courtship.

"Upon discovery of the conspiracy D. Y."

The Duke of York came into the cabinet by colour of the Rye plot.

The subject of these notes being the cabinet, it is here plain that a handle was taken from that discovery, to let in the Duke of York. The common obloquy upon the court had all along been, that the duke, and consequently the papists, had influence upon the public counsels: and not long before this time, such a step, as this was, would have been loudly ventilated abroad, as a plain declaration that popery was to govern, with design

* See the Examen, p. 284.

to have ruined the king's interest and credit with the gentlemen of England. But now faction was low, though not dead; and the new courtiers thought any thing might be done. And in truth, though little appeared to them, yet, to such as conversed more promiscuously, it was plain that faction warmed upon it. But this was to be said for it. The Rye conspiracy was aimed as well at the person of the duke, as of the king; for one dose of pills served for both: and it was very reasonable that the duke should be present at the shaving his own beard. This did a little screen the truth of the matter, which was, that the Papists, through the duke, intended, under the umbrage of this conspiracy, to make some advances at court; but the sequel will show more.

Of the Lord Chief Justice Jeffries, and his suppositious greatness.

"After, northern circuit 1685, Lord Chief Justice Jeffries appointed for it."

This note concludes his lordship's state of the cabinet, and the several postures it had, in the reign of King Charles II. after his lordship had the seals. And now, from this broad hint, I take the rise of a notable piece of history. After the Lord Chief Justice Jeffries (of whom I have said somewhat before) was assumed into the king's privy council, which was some time before he came into the cabinet, there went forth a mighty fame of his greatness at court; which was mostly artificial, although such incidents commonly blow up

reports far beyond truth. When this chief justice had chosen the northern circuit for his expedition, it was so contrived that, on a Sunday morning, when the court was full, the king should take notice of his good services, and, in token of his majesty's gracious acceptance of them, give him a ring from his royal finger.* This was certainly so done, by way of engine, to rear up a mighty machine of authority; and the printed news informed the whole nation of it. Whereupon the same lord chief justice was commonly reputed a favourite and next door to premier minister; sure enough to eclipse any thing of the law that stood near him. It is to be remembered that, at this time, the trade of procuring charters to be surrendered was grown into a great abuse; and nothing was accounted at court so meritorious as the procuring of charters, as the language then was. Therefore, as it was intended that the chief justice should be ingratiated into his majesty's good opinion and favour, as much as was possible; this care was taken that, through the fame of his great honour, he should have appeared so to the country, and in consequence of that, wherever he went, all charters must needs fall down before him; and, for that reason, the towns were to be prepared by *quo warrantos* sent down.† This affords an useful

* *Vide ante*, p. 14.

† Any pretence was held sufficient to procure the forfeiture of an obnoxious charter. That of St. Ive's was attacked,

speculation how mean persons derive to themselves merit from the power of great ones, who shall ascribe to their inferiors those very events which flow really from their own power. Here the chief justice is made to seem powerful by the king, with whose authority he is graced; and that makes the affrighted towns, at his instigation, surrender. This must be argued to demonstrate to the king that the chief justice had a mighty influence upon the country, having done greater things, in his majesty's service, than any judge had ever done before; when, in truth, it was not his own proper influence, but the king's power, through him, that had such virtue in the country. It was so also with respect to the city of London; over which the chief justice exercised a sort of violent authority.* That he had a great influence there, was

because the Borough had four constables, instead of three; that of Oxford, because there were five aldermen, instead of four, and because Stephen Kebble, the Town Clerk, had signed himself the king's clerk without his majesty's permission. (*See Dalrymple's Memoirs*, p. 75.) The object in procuring these forfeitures was to compel the towns to accept new charters, vesting the power of election in particular persons, named for the purpose. (*Lord Lonsdale's Memoir*, p. 5.)

* Sir James Smith, the lord mayor, complained to Sir John Reresby, "that he had no more than the bare title of lord mayor; the Lord Chief Justice Jeffries usurping the power, and that the city had no sort of intercourse with the king, but by the intervention of that lord." (*Reresby's Memoirs*, p. 207.)

true; but it was because the citizens thought him a great man at court; and he obtained favour at court, because he was thought to have a great influence in the city. Thus the court conferred their own influences, and took them back by rebound, as so much merit reflected from the person that managed them. Then it is also to be remembered that the north of England is the seat of the Roman Catholic interest; and some things were to be managed by this chief justice, with respect to them, which no other of the twelve judges would have done, and I am about to relate.

Lord Jeffries of the cabinet, who moved for a pardon of all recusants.

In the course of this northern voyage, which was carried with more loftiness, and authority, than had been known at any assizes before, the charters (as was to be expected) tumbled down, and the chief justice ordered all the under-sheriffs and bailiffs, to give him perfect lists of all persons who, upon account of recusancy, lay under commitment. When he returned to London, and his great services, which argued no less abilities to serve the king, were displayed, the next step was his being appointed to attend his majesty at the cabinet. The lord keeper, who was but an observer of these motions, did imagine that somewhat extraordinary was to come forth at the next meeting; the rather because, on Sunday morning (the meetings were usually on Sunday evenings) the Duke of York spoke to his lordship "to be as-

sistant to a business which, that evening, would be moved to his majesty;" and that morning, his lordship observed a more than ordinary shyness in the countenances of the great men, whose remarkable gravity satisfied him that they were upon their guard. But what the matter was, his lordship did not discover till he came to the cabinet; where, after the king was come, and they were sat, my Lord Chief Justice Jeffries stood up, and, with the rolls of recusants before him, "Sir," said he, "I have a business to lay before your majesty, which I took notice of in the north, and which will deserve your majesty's royal commiseration. It is the case of numberless numbers of your good subjects, that are imprisoned for recusancy. I have the list of them here, to justify what I say. They are so many that the great gaols cannot hold them without their lying one upon another." And then he let fly his tropes and figures about rotting and stinking in prisons, concluding with a motion to his majesty that he would, by his royal pardon, discharge all the convictions for recusancy, and, thereby, restore liberty and air to these poor men. This motion, at that time, was indeed a swinger; for, in consequence, the execution of it, by such a pardon of all convictions, had lost the king irrecoverably, spoiled all future parliaments, set up the fanatic interest, his majesty's declared enemies, and disabled his friends from appearing, with any

coun enance, for him. The language had been, "Now it is plain—you would not believe us. What is popery, if this be not? What signify the laws? Will you not expect some better security?" And the like.

His lordship was not to learn such consequences as these. But there was yet more, and what directly concerned himself in the duty of his office. He could turn his thoughts no way clear of precipices, which, to him, were fatal, though others made account to leap over them. It must needs occur that such a pardon must pass the great seal, of which he was the keeper, whose office it was to affix it: and although in strictness, he could not disobey the king's express command in that, or any thing else that might be called an act of grace, nor be rendered criminal for so doing; yet all the loyal party of England, who were his sure friends, would have expected from him such strong and plain advice to the king, as might have averted him from such a pernicious step, whatever the consequence was to himself, who ought, as many would have said, to have quitted the seals rather than held them on such terms; and, for certain, the next parliament had resented it in all extremity. Now let us see with what temper, prudence, and courage, his lordship comported under this sudden and desperate trial. After the Lord Chief Justice Jeffries had done, and com-

The ill consequences of such a pardon, and the lord keeper only opposed it.

posed his rolls and papers upon the table (which none there cared to inspect), his lordship, the lord keeper, sat a while silent, as the rest, expecting some of the lords, eminently in the protestant interest, as Halifax, Rochester, &c. should begin to speak; but finding no probability of their saying any thing, but rather a disposition on their parts, at that time, to let the thing pass, he applied himself to the king, and "Sir," said he, "I humbly entreat your majesty that my lord chief justice may declare whether all the persons, named in these rolls, were actually in prison or not." The lord chief justice hastily interposed, saying, he did not sure imagine any one could suspect his meaning to be that all these were actual prisoners; for all the gaols in England would not hold them. But if they were not in prison, their case was little better; for they lay under sentence of commitment, and were obnoxious to be taken up by every peevish sheriff, or magistrate, and were made to redeem the liberty they had with gross fees, which was a cruel oppression to them and their families. Then the lord keeper turned to the king, and "Sir," said he, "I beg your majesty will consider what little reason there is to grant such a general pardon, as this is, at this time. For they are not all Roman Catholics that lie under sentence of recusancy; but sectaries of all kinds and denominations; perhaps as many or

more, who are all professed enemies to your majesty and your government in church and state. They are a turbulent people, and always stirring up sedition; and if they do so much when they lie obnoxious to the laws, which your majesty may inflict upon them at your pleasure, what will they not do, if your majesty gives them all a discharge at once? That would be to quit the greatest advantage you have of securing the peace of the nation. Is it not better that your enemies should live under some disadvantages, and be obnoxious to your majesty's pleasure, who may, if they are turbulent and troublesome, inflict the penalties of the law upon them? And as to the Roman Catholics, if there be any persons to whom your majesty would extend the favour of a pardon, let it be particular and express, and not universally, to set your enemies, as well as friends, at ease. And, after all, the disadvantage they lie under, is but the payment of some fees to officers, which is compensated by the exemption they have from serving in chargeable offices, which other conformable persons sustain. But, in a general view of the ill uses that would be made of such a step, in the nation at large, to the prejudice of your majesty's interest and affairs, both in and out of parliament, as they were obvious, so the extent of them is beyond my view, and, as I think, have no end;" or to this effect. The king gave great

attention, and the other lords wondered; but no farther word was made of the matter; and they proceeded to other business. That night his lordship came home full of melancholy; and it was some time before any person, near him, knew the occasion of it. But he would sometimes break out in exclamations, as "What can be the meaning! Are they all stark mad!" and the like. That very night he took his pocket-almanack, and, against the day, wrote

"Motion, *cui solus obstiti.*"

Motion, which I alone opposed.

For he accounted this action of his the most memorable that he had ever done. He was not without a jealousy that one great end of that pestilent, absurd motion was to put a thorn in his foot, and, by way of dilemma, heave him out of his place. For, if the king had commanded, and he refused to put the seals to such a pardon, then he deserved to be removed by a just displeasure. If he had complied, then the parliament had effectually done it. And the shift the Lord Nottingham used, in sealing the Earl of Danby's pardon, that is by surrendering the seal to make it the king's act (which he called a stamp of creation) might not have served his lordship's turn so well, whom both papist and fanatic strove, with all their might, to remove out of their way: and small pretensions had served their turn, as appeared in

divers attempts of that sort, which are largely displayed elsewhere, and particularly in the Examen. But thus much I am led, by his lordship's notes, to say of the cabinet council.

His lordship was not altogether a stranger to this disposition touching imprisonments; for the king had been troubled about them before, or, at least, thought to mention the hard cases to his new lord keeper, urging him to get due information of them, and to find some expedient for their relief. There was no doubt but this proceeded from solicitation in favour of the recusants on the side of the papists; though, at first, it bore the visage of a sectarian party. For, about that time, many Quakers, and conventiclers of all sorts, had been prosecuted for not coming to church, and lay under sentence of the law, partly as recusants, and partly on other accounts, whereof some were in prison, and others not; and very few popish recusants, purely for recusancy." His lordship applied himself to the means of gaining a regular and strict information of this whole affair, in order to lay the same before the king, and so advise what was fit to be done thereupon. And, accordingly, in February 1682, which was not long before the vernal circuit that year, his lordship wrote to Mr. Justice Jones, and, probably, to the rest of the judges, then preparing for their circuits, the following letter:

The same design on foot before; but, his lordship proceeding formally, it was dropt.

" Mr. Justice Jones,

" His majesty, having received complaint that " many persons, of mean condition, lie in prison, " upon criminal prosecutions, in several gaols of " this kingdom, where they endure great hard- " ships and miseries, because of the straitness " of the prisons, in respect of the number of pri- " soners, and for want of necessaries, is desirous, " for their relief, to extend his royal compassion " to such of them as shall be capable thereof upon " their particular cases. In order whereunto, his " majesty would be informed by his judges of " assize, in their several circuits, or by some " justice of the peace, in the several counties and " places where the prisons are, who may receive " an account thereof from the sheriffs, gaolers, or " other persons of credit.

1. " Whether the number of prisoners is so " great that the prisons cannot conveniently con- " tain them; and if it be, then farther to certify " the names of such persons as are in prison upon " such prosecutions; and if any be under the age " of twenty-one years, and what the offences are, " and how long they have lain there?

2. " Whether they are poor, and unable to " maintain themselves, and whether they are " Papists, Quakers, or other sects, if it can be " known?

" These are to desire you, in your circuit, to

" receive an account of the particulars above-men-
" tioned, and to bring it with you at your return;
" or else to give it in charge to two or three of the
" most discreet justices of such counties, that may
" send it to me, to be laid before his majesty;
" when he shall think fit to declare his pleasure
" farther thereupon." C. S.

This letter, as to the prudent and cautious part, admits a sensible comment, respecting this latter pursuit through other hands; of which the account is already given. These points are touched, 1. Actually in prison, or not. 2. The prisons capable to hold them, or not. 3. The names of the persons. 4. If under twenty-one years. 5. How long in prison. 6. Whether poor or not. 7. Whether Papists or Sectaries. All which matters were the subject of the Lord Jeffries's extreme representation. And to what end? Not, as he moved, a general pardon of all recusants, but capacity of favour, according to particular cases; which is what his lordship moved in answer to Jeffries. So that, upon the whole, this very project of getting the general gaol delivery of recusants, viz. their absolute discharge by a general pardon, was jogged upon his lordship, to have had it been moved by him. And, probably, it might have been mentioned to him before, by the king, as a proper remedy; but that his lordship put it off. But not altogether to resist his

majesty's disposition to clemency, where it might be properly placed, and not be turned upon him in evil constructions, he then put the business into this formal way of writing to the judges. But that did not answer the end of the Roman Catholics, whose work it was (though I believe his lordship thought there was a strong spice of the Fanatic in it), therefore these former returns were not called for; but the business was now put into a better hand, from which it would come roundly off to the purpose intended, viz. a general pardon of all convictions for recusancy; which his lordship again stopped, as I related before. But yet his lordship, by several means, which, by reason of his authority, he might effect, had full accounts brought him of those items, or the greatest part of them. When his lordship first thought fit to discourse with his intimates concerning this flagrant attempt of Jeffries, he expressed the greatest resentment at his being deserted by the other lords, of whom not one either led, or followed, or gave any countenance or support in a cause that so much concerned the king's service. And from thence he saw what he must trust to amongst them, that is, only his own integrity and open dealing, without any support from them; and he never after expected an ally or friend in his business at court. The rising sun hath a charming effect, but not upon courtiers as upon larks; for

it makes these sing, and the others silent. These things I have thought fit to join to his lordship's notes of the posture and changes in the cabinet council, when he sat there as lord keeper; and now I proceed to other matters.

His lordship's political aim, and rule of power.

I have showed the company his lordship had in the public service, during his ministry at court, and their characters, and, in some respects, their behaviour. It may not be amiss, now, to show what were his lordship's sentiments, and the measures that influenced his actions, and were often the subject of his discourses to others. I can, with great assurance, affirm that, about these times, and for divers years, while he sat in the Common Pleas, his thoughts were bent upon serving his country. And indeed, from the very first of his acting judicially, he studied amendments of every thing, as might best be by him done for the benefit of the suitors. And, after he was taken into public counsels, he not only courted, but laid to heart, the nation's good; and, as he saw that decline, he grieved; and, as he thought it gained a little, he rejoiced. This was easily to be discerned by all his friends, with whom he freely conversed. And that kind of pastime, when he had liberty to enjoy himself, was the most agreeable of any; I mean the walking to and fro, and discoursing freely with his friends; as will be showed more express afterwards. But, after that manner,

he used to propose his doubts and fears, as well as hopes, of the public, and take their sentiments. This was his way of refining his notions, viz. upon the test of the opinion of his friends; to which he gave great regard, and never discouraged their freedom. And, when he waited at court, this sort of conversation served to instruct, as well as to divert him. And even in the presence of King Charles the Second, who was a free talker himself, and encouraged it in those about him, matters of very great consequence would fall in the discourse; and his lordship had art enough to speak his thoughts truly and agreeably. As once, when the discourse was upon the subject of using lenity, or severity, in cases of tumult or sedition, some thought that rigours, others that pardon was more proper; and many were for crushing enemies with open force. His lordship said to the king, that "his majesty's defensive weapons were his guards, and his offensive weapons the laws; and that enemies were to be resisted by opposing force to force, but to be punished only by law." I remember this saying of his was taken notice of as an admirable temper in stating the matter of force to the king; and his lordship had a general applause for it. Great men and governors are very propense to err in the notion of power, and, out of impatience of opposition, and desire of revenge, resort to force, which, early or late, turns

the evil upon themselves; and, with these men, any one, that argues against such methods, is looked upon as a faint friend, or enemy disguised. But, to give the due office to power, and proper efficacy to the law, this rule to the king admitted of no ill construction: neither one way, by undermining the guards and the militia (which was the drift of the faction), nor the other way, by setting up the militia against property (which then was calumniated); and, being so fairly insinuated, was, at that time, no mean service to the crown and nation.

His lordship was perfectly at ease in the conscience of his behaviour, and scorned the vulgar and fanatic calumnies, that he was a prerogative man, and laboured to set up arbitrary power: but, notwithstanding all that, he laboured as much as he could to set up the just prerogatives of the crown, which were well known in the law and to the lawyers; although it had been much the fashion, as well in Westminster-Hall as at St. Stephen's, to batter the prerogative. He has said "that a man could not be a good lawyer, and honest, but he must be a prerogative man:" so plain were the law-books in these cases. He was sincerely of opinion that the crown wanted power by law; so far was it from exceeding. It was absolutely necessary that the government should have a due power to keep the peace, without trespassing

The power of the crown not enough, and the reasons.

upon the rights of any one; and if it had not such power rightfully, either it would assume and exercise powers that were wrongful (and then what bounds?) or else sedition would prevail, and, pulling down one, set up another government entirely wrongful; to which all law and truth being opposite, consequently such a government would be opposite to them, and meditate no security but actual force. And what can the people, that are always designing to diminish the just powers of the crown, expect, but that the crown should always design to repair itself by a provision of force? Nothing is so sure as that government will be supported by means either rightful or wrongful; if subjects will not have the one, they shall have the other. These considerations made his lordship ever set himself against the Republicans, and resist their intended incroachments upon the crown. He thought the taking away of the tenures,* a desperate wound to the liberties of the people of England, and must, by easy consequence, procure the establishment of an army. For when the legal dependance of the monarchy and the country upon each other, is dissolved, what must succeed

* By statute 12 Car. II. c. 24. The abolition of the military tenures had been long called for, and had been attempted in the reign of James I. The statute is termed by Sir W. Blackstone, "a greater acquisition to the civil property of the kingdom than even Magna Charta itself." (*Com.* vol. ii. p. 77.)

but force? He used often to inveigh against those who perpetually projected to weaken the monarchy, as a sort of men, either corrupt and false-hearted, or else short-sighted and ignorant. The yet living history of the late times concurred; for what did the people get by robbing the crown of the power to dissolve the parliament, and of the militia? There cannot be a more false illusion than it is to suppose that what power the crown lost, was so much liberty gained to the people. And yet, in these times, a broad-spread party went about with such syren songs to engage the community to join in their project of divesting the king of his commissions of the peace and lieutenancy, &c. All which his lordship saw plainly, and detested. I have heard him say, that if the people knew what miseries would be the consequence of these men's having their wills, they would stone them, as they would mad dogs in the street. It may be esteemed one of his lordship's chief felicities, that his real principles of honour and probity exactly squared with his engagements and services at court. He never had the remorse to have, in the least, dis-served his country, by serving the crown; and the discerning court, and the much more discerning king, saw plainly that he acted from the bottom of his heart, and did nothing servile, or for flattery, that any way contradicted the series of his conduct and advice; which

is more than can be truly said of any of the preferment-hunters of that, or almost any time.

His lordship's whole labour was to bring the court entirely into the policy of the law; and the good success it had.

I shall enlarge no more upon character here, having designed places apart for those matters, but proceed. And, in the first place, I enter this general protest, that, to my own certain knowledge, his lordship's great study and labour was to convince and to dispose his company, so as they might heartily co-operate with him in the glorious work of bringing the king into the soundest measures of the English government, which were to rule wholly by law, and to do nothing which, by any reasonable construction, might argue the contrary. In this design he was, in one respect, singular; for he had no self-interest, no boons to ask, no party to head, nor means to sustain an interest at court; depended on nothing but merely the character he bore, and his own personal qualifications. Some had the protection of the Duke of York, and of the French ladies; others were of the Lord Halifax's party; and some of the Lord Rochester's. But he was in the midst of all the court, *solus cum solo*, alone by himself; at least after Jenkins withdrew. But yet he urged continually the same doctrine, that, holding to the law (wherein I always include the established church of England) his majesty was, not only safe, but growing in power and credit; which, if he forsook the law, would all fall retrograde, and

scarce ever be recovered. His majesty had good hold, and ought to make his station firm. And, as this was his lordship's endeavour, so it was his pleasure to see the crown recovered from all troubles and hazards brought over it by faction, that had no advantage at all against the king, but what flowed from their affected surmises, to the people, that his majesty leaned to popery, affected arbitrary power, and, for aiding these designs, allied with the French. The false steps of the court by improvident war, and, its certain train, necessity, and then undue means for money, courting Papists, and Fanatics, by indulgences against the law, and the like, gave handles which the Fanatics (though accessary in procuring the indulgences) improved to the king's prejudice in his affairs; and that, even till they thought his credit and authority almost sunk. But, in the rage of those times, when plots, like serpents from corruption, bred out of iniquity, the king saw his danger, and, with the help of a faithful ministry, in which his lordship had no mean part, and a resolution to let the laws have their course, recovered his state, and, about the time when his lordship received the great seal, had suppressed all the forces of his factious enemies, and reduced them to utter silence in corners where they were very glad to be covered in safety.

As this was his lordship's greatest pleasure, so

His lordship discerned the underminers at work, but hoped well of the king.

the sequel brought over him a bitter portion of melancholy reflections. For he saw immense troubles a great way off, and, nearer hand, not a little of cloudy prognostic at court: for, not only the Papists, but vain projectors of change, and flatterers of power, esteeming the king's authority then safe and inexpugnable, began a new game, by endeavouring to bring the king off from the sound measures of his faithful ministry. His lordship was the last that stuck firm to him, and kept himself from being tainted, with courtship of the succession, by any compliances in matters of religion, and undue attempts against law. But, on the other side, much endeavour was used to get such a rock of offence, as he was, out of the way, and that was a fruit expected to fall from the reform of the cabinet, as I mentioned before, and by pushing extravagant things towards his lordship, one way or other, to break him. But his credit (as I said) was such with the king, that no court tricks would fasten to his prejudice; but his majesty supported him, not only in authority, but in honour, all his life, and would not bear any indecent reflections against either. And his lordship had also the comfort to perceive what few people, even of the court projectors themselves, discerned; which was that the king grew weary of his Sunderlands, Jeffries's, and other (more latent) ope-

rators of the new model; and that if his majesty had lived six months longer, probably, he had removed them; for he found his affairs move untowardly, and faction, in fresh hopes of a new game, began to be busy, and to cast sheep's eyes (as they say) towards elections, in order to corrupt the next parliament, and, if that had happened, it had been scarce possible for the king to have held fast the then general good opinion which the people had of his royal intentions and government; which being well taken care of and preserved, had certainly procured him a good parliament: and then, and not otherwise, all had been well. And, accordingly, as there was a necessity of calling a parliament soon, his lordship often put his majesty in mind of that, and to have a care that no unpopular steps might corrupt the next elections. As to Jeffries, he began to smell a rat, and warped towards mutiny, that he was not rewarded enough; as if he thought of turning into the malcontent party. These are the main lines of his lordship's ministry as to politics; which will be verified by the just history of King Charles II. and (if no better appear) in the Examen, together with some particular matters I shall mention in the course of this relation.

His lordship's method of living, with respect to his great employment, was very commendable: for His lordship's course of

life, and application at court, during his ministry.

all his time was devoted to the business incumbent upon him. He put but very little of it to his own use; and what passed in easy conversation, which was the chief of his pleasures, had still a regard to his employ, by enquiring, canvassing, and debating, with those of his society, such points as concerned the republic. He had no kind of vice or immorality within his walls: and of what sort his remissions were (for some are necessary to life) I shall give a fuller account afterwards. But it is decent here to name the chief; which was a solitary, or, rather, speculative use of music; of which he commonly took a relish at his going to bed; for which end he had an harpsichord at his bed-chamber-door, which a friend touched to his voice. But he cared not for a set of masters to consort it with him. And, unless it were once, under Purcell's* conduct, I never knew him use such; for there was somewhat stiff in that way, that was not easy. The mornings were, for the most part, devoted to the justice-seat of the Chancery, either in the court at Westminster, or in the cause-room at home, during the usual periods; and not seldom in attendances upon petitions, and dispatching the perpetual emergences of the seal.†

* Henry Purcell, the celebrated musician and author of Orpheus Britannicus, *ob.* 1695.

† The Lord Keeper Williams, who preceded North by half a century, appears to have been still more laborious. "Here-

His house was kept in state and plenty, though not so polite as the court mode was. The nobility, and chief gentry, coming to London, were frequent at his table; and, after a solemn service of tea, in a withdrawing-room, the company usually left him; and then the cause-room claimed him, and held him in pain, with causes and exceptions, often till late. He had little time to himself; for he had this infirmity, that he could not bear to make any one wait; but if his servant told him of any person, great or small, that waited without, he could not apply to think of, or do any thing, till he had dispatched him. The interval, between the business of the day, and going to bed, was his chief refreshment; for then his most familiar friends came to him, and the time passed merrily enough. And there it was that the court spies found access to plumb his most free sentiments; but with small profit, for he had the same face and profession in public, as he had in private. They could discover only that he was an honest man: but more of this elsewhere. His attendances at Whitehall were, chiefly, at solemn times; as on Sunday morning, to wait on the king to chapel. That was usually a grand assembly of the court; and the great men

upon myself and half a hundred more," says his biographer Hacket, "have seen his industry, that he was compelled to sit by candle-light in the court, *two hours before day.*" (*Life of Archbishop Williams*, part i. p. 53.)

had opportunity to speak in discourse to the king as he gave them occasion, of which his majesty was no niggard; and very excellent things, said there on the one side and on the other, were a high regale to such as had the advantage to stand within hearing. On the week days, those called council days, always, and sometimes committees of council, required his lordship's attendance; and Thursday was always public: others for private business upon summons. His lordship managed at the council table; though there was a lord president, who, regularly, should take up that part. But it doth not always happen that great men, posted there, have the art of examining into, and developing intricate matters, as are commonly brought to hearing. When the king was at Windsor, the public council was commonly held at Hampton-Court; which was for the ease of attendance. His lordship had a lodging, both at Whitehall and Hampton-Court, to retire to upon these occasions. The cabinet council usually sat on Sunday evening; and when the court was at Windsor, that was always a travelling day, and a lodging was provided for his lordship in the dean's house. His lordship was necessitated to be a courtier, although he had no step of a court, nor delighted at all in such an assemblage of eyes and ears, always open to caption. He never flattered any man; unless giving no offence, which he extended even to his

enemies, may be accounted flattery. He liked never the beginning nor end of a fray, while it was such. And this made the great judges of the circle agree he might be a good lawyer, but they were sure he was no courtier. He listed in no party or interest but the king's; and neither had nor cared for friends who were enemies to his majesty and his government. And, on that side only, he lay open; for it was possible, and many did come near to a confidence with him, by pretending great services in an orthodox way to his majesty; though at the same time enemies to both. I could name some, but for respect to their ashes (which are much more worthy than ever their persons were) I forbear them. If there was any incident, upon which his lordship thought fit to take the king's pleasure from his own mouth, or if he had any thing to acquaint his majesty with, that required privacy, his lordship's way was to go to court express, and choose the fittest times, when he thought the king would be least engaged, that he might have more ample discourse. And, commonly, he went directly to the bed-chamber, and there sat him down. There was always, in that part of the court, attendants who straight found where the king was, and told him my lord keeper was there, and the king, knowing he had somewhat to say to him, never failed to come to him, and that without any delay. Which I have

heard his lordship speak of as a very gracious respect towards him; enough to have obliged him, if possible, more to his service. King Charles was one that passed much of his time in discoursing,* and used to do it freely with his lordship, when alone together; by which his lordship picked up some fragments of history, many of which are inserted in the Examen; and somewhat of King James's too, but not so much. This is the short account of his lordship's course of life, with respect to his great office and ministry, that I am capable to give. And I think I have not cantoned much from the places intended express for particularities of this nature. So I proceed to such affairs as more especially concerned his lordship.

Lord Jeffries sets up to oppose his lordship, first, when Bedingfield was made a judge.

It was touched before that the Lord Chief Justice Jeffries was brought forwards, and buoyed up by the adverse party of the court, on purpose to ruffle my lord keeper, and, by such ways and means as they might lay hold of or invent, to have him out: in order to which, affronts, disappointments, false stories, and calumnies were, for such attacks, a choice artillery. And, that point being once gained, it was presumed that the Lord Chief

* "By his being abroad," says the Marquis of Halifax in his Character of Charles II. (p. 30) "he contracted a habit of conversing familiarly, which, added to his natural genius, made him very apt to talk perhaps more than a very nice judgment would approve."

Justice Jeffries, one ready to do all that was required of him, should succeed. Among other opportunities of this kind, some related to the law, in the appointments of judges into vacancies; and, in those affairs of common course, the lord keeper is consulted, and hath the nomination to the king, of fit persons to be trusted as judges. There was one Serjeant Bedingfield, a grave, but rather heavy lawyer, but a good churchman, and loyal by principle. His lordship had cast his eye upon him, and intended to nominate him to the king, for supplying a place in one of the benches then vacant, but thought fit first to speak with him. Being sent for, he came, and was told what was designed for him. He was exceeding grateful in acknowledgments of so great a favour and honour done him by his lordship, in thinking of him without his seeking; and said he should ever own his preferment, as long as he lived, to his lordship, and to no other person whatever. All which was well. This serjeant had a brother, a woollen-draper in London, who was a creature and companion of the Lord Jeffries. That chief, understanding some way that his friend's brother was to be a judge by the lord keeper's means, sent for the draper, and told him plainly, that, if his brother would not take the judge's place as of his provision and interest, and not my lord keeper's; or if he so much as went to the lord keeper, on such

an account, he would oppose him, and he should not be a judge at all. After this, the poor serjeant, against his desire, was forced to conform; his spirits were not formed for the heroics, and, accordingly, to sacrifice the interest of himself and his brother to gratitude. His lordship, finding how the wind sat, dispensed with the man's infirmity, although he never came at him; and so, by common consent, he was made a judge. In this instance we may discern the extremes of impertinent arrogance and true worth.

Another instance in making Serjeant Wright a judge, against his lordship's judgment, and all sense and reason.

Another instance, of the like impertinence, was acted in the making Sir Robert Wright a judge. He was of a good family, settled near Thetford in Suffolk, and, when he was young, he married one of the daughters of Dr. Wren, Bishop of Ely. He came up, in his practice, together with his lordship; and they went the Norfolk circuit together. Wright had more business, for many circuits, than his lordship had. He was a comely person, airy and flourishing, both in his habits and way of living; and his relation Wren (being a powerful man in those parts) set him in credit in the country: but, withal, he was so poor a lawyer, that he could not give an opinion on a written case, but used to bring such cases, as came to him, to his friend Mr. North, and he wrote the opinion on a paper, and the lawyer copied it, and signed under the case, as if it had been his own. It ran so low

with him, that, when Mr. North was at London, he sent up his cases to him, and had opinions returned by the post; and, in the mean time, he put off his clients upon pretence of taking more serious consideration. One cannot conceive that this man could get much by the law, nor did he; but, by favour, he was made treasurer to the chest at Chatham, and, by his voluptuous, unthinking course of life, he ran in debt, and used frequently to ease himself upon his friend North, by borrowing money at times. The debt, at length, grew so considerable, that his lordship thought fit to pay off his other debts, and take in the mortgage of his estate, which he held charged with 1500*l.* Afterwards, and not many years before he put in for a judge's place, he borrowed of Sir Walter Plummer 500*l.* upon an original mortgage of the same estate, and made an affidavit that it was clear from all incumbrances. Which affidavit Sir Walter Plummer afterwards brought to his lordship, even while the mortgage was in his hands; which amazed him; but he took his money and assigned to Sir Walter Plummer. One would think that this was a competent knowledge of that man's character. But he, being upon the brink of utter ruin, applied to Jeffries to rescue him, by getting him made a judge. When the time came, and his lordship was with the king, consulting about a fit person, the king said, " My

lord, what think you of Serjeant Wright? Why may not he be the man?" His lordship answered that "he knew him but too well, and was satisfied he was the most unfit person in England to be made a judge." "Then," said the king, "it must not be;" and so it went off at that time. But Wright still, by his friend Jeffries, pushed his point; and, in the interim, worked all he could, by most importunate applications, and bitter tears, (but for no other reason than that, "if he failed now, he was utterly ruined") to gain his lordship to yield that he might be a judge: but to no purpose; his lordship was inflexible: and though he wished the poor man well, upon account of old acquaintance, he would not gratify him at the cost of his own breach of duty, or rather, in that respect, perjury. The king took his time, more than once, to speak to his lord keeper, saying, as before, "Why may not Wright be a judge?" And, at last, "Is it impossible, my lord?" his lordship, seeing the king's pangs, (for it was plain that this man, by the secret court clan, was determined to be preferred; for he was a creature of Jeffries's, and a tool that would do any thing; and they wanted only the formality of my lord keeper's concurrence, to whom the king positively would have a due respect paid) took the freedom to say that the making a judge was his majesty's pleasure, and not his choice; that he was bound to

put the seal as he commanded, whatever the person was; for, of that, his majesty was to judge, and finally determine. He could but do his duty by informing of his majesty of what he knew to be true; and particularly of this man, whom he personally knew to be a dunce, and no lawyer; not worth a groat, having spent his estate by debauched living; of no truth, nor honesty, but guilty of wilful perjury to gain the borrowing of a sum of money: and then he opened more at large the matter of the affidavit. "And now," said the lord keeper, "I have done my duty to your majesty, and am ready to obey your majesty's commands in case it be your pleasure that this man shall be a judge." "My lord," said the king, "I thank you;" and went away; and, soon after, the warrant came, and he was instated.

A vain triumph of the Lord Chief Justice Jeffries in public.

Here was, underhand, a court experiment made whether of the two had the greater power with the king; the lord keeper, or the lord chief justice. There was also the vanity of the latter, of which I shall give demonstration. But his lordship was above making contests of that nature. If he had took pet, and made a public feud, as most of his enemies expected, and also that he would not have endured that the chief justice should tread on his heels at that rate; he might have flown high in expostulations, and made somewhat crack, before such time as the king (whose judg-

ment of men was great) would have parted with the best minister in the law that the nation afforded, not knowing where to get another so faithful, as well as able, and willing, truly to serve him. But, as I said, his lordship was above personal competitions, and satisfied himself in having done his duty, with which, the making flagrant disputes at court, and embroiling the king's affairs, did little consist; and some grandee also lay behind the curtain, of whose concern his lordship was tender. But now, to show the effects of upstart court vanity, I must here subjoin a passage acted in Westminster-hall. It is the custom of the chief justice, and his brethren of the King's Bench, in the morning to robe themselves at a bar below in the hall, before they go up to the court. This is called the side bar; and there they hear the attornies wrangle about matters of practice. It stands just before the chancery court, and in full view of the lord keeper, as he sits upon the bench; and the chancery useth to sit long before the judges of the King's Bench come to the hall. After this point, of Wright's being a judge or no, was determined at Whitehall, as I related, the lord chief justice, at his side bar, seeing Serjeant Wright walking in the hall, extended his arm, and beckoned him; and straight, with all the humility and crouching imaginable, the serjeant hasted to him. And then the chief justice only leaned over the

bar, and compassed the serjeant's shoulders in his arms, and, after a whisper in his ear, flung him off from him, holding out his arms, some short time, in that posture. This was a public declaration that, "in spite of that man above there," Wright should be a judge. His lordship saw all this, as it was intended he should, and it caused him some melancholy; though not at all as concerning himself, or the vanity of the chief justice; but for the nature of the affair, and the manner of its proceeding; which he foresaw would have worse turns, if so done, as was like to be, in other affairs of larger denominations.

Apology for these minutenesses.

I know that many will be apt to inquire how I came to know, so particularly, these court-dialogues, *tete à tete*, between the king and his minister. I can readily answer, by means lawful enough; as also for more, of like nature, in the course of this relation; and those, who observed my course of life and conversation, could make no doubt by what means. Some may also allege that I bring forward circumstances too minute, the greater part of which might be dropped, and the relation be more material, and, being less incumbered, easier understood and retained. I grant much of that to be true; but I fancy myself a picture-drawer, and aiming to give the same image to a spectator, as I have of the thing itself which I desire should here be represented. As,

for instance, a tree, in the picture whereof, the leaves, and minor branches, are very small and confused, and give the artist more pain to describe, than the solid trunk and greater branches. But, if these small things were left out, it would make but a sorry picture of a tree. History is, as it were, the portrait, or lineament, and not a bare index or catalogue of things done; and, without the how and the why, all history is jejune and unprofitable.

An indecent behaviour of the Lord Chief Justice Jeffries.

There was an odd passage at the council-board, which, for its affinity to what is passed, shall be superadded. The justices of the peace, about Stepney and Wapping, had great differences one with another, which embroiled the very sessions, and hindered the proceeding of the ordinary business of that court. One Smith headed one party, and one Baily another. These two used always to fall foul on one another, in public, with injurious reflections: and the matter ran so high between them two, that it came before the king, and there was a hearing before the council. His lordship saw no reason why the king should be troubled with such squabbles; but if either had received injury, he might right himself by the common course of law. The lord chief justice, it seems, had taken the patronage of one of the parties, I think it was Smith; and, being flaming drunk, came up to the other end of the board, and (as in

that condition his way was) fell to talking and staring like a madman, and, at length, bitterly inveighed against Trimmers, and told the king that he had Trimmers in his court; and he would never be easy so long as the Trimmers were there. When he had done, the lord keeper, knowing these darts were intended towards him, stood up and said only, " that he did not apprehend there was so much concern in this business; and my lord chief justice appearing so well informed of it, he moved that his majesty would refer the whole to be examined into by his lordship, and that the parties attend him; and then his lordship making a report of the whole controversy to his majesty in council, he might thereupon order as he should think fit." The parties being thus referred to the chief justice, the scandal continued; but, in the end, it was so ordered that Baily (as I take it) was undone. I suppose I need not here use many words to interpret the word Trimmer,* which was

* " This innocent word *Trimmer*," says Lord Halifax, " signifies no more than this: that if men are together in a boat, and one part of the company would weigh it down on one side, another would make it lean as much to the contrary; it happens that there is a third opinion, of those who conceive it would be as well if the boat went even, without endangering the passengers. Now, 'tis hard to imagine by what figure in language, or by what rule in sense, this comes to be a fault; and it is much more a wonder it should be thought a heresy."—*(Preface to the Character of a Trimmer.)*

23570

taken up to subdivide the Tory party, of whom all (however loyal, and of the established church professed) that did not go into all the lengths of the new high-flown party at court, were so termed. I can place under this passage no better corollary than that all times have their crisis in authority; and no indecencies are so great, but some will bear them.

His lordship declined joining in councils of foreign affairs.

His lordship always declined giving any opinion in that branch of royal economy, called foreign affairs. He could not avoid being in the way of the ordinary deliberations of that kind, by reason of his attendance on the usual councils. And although he was, for the most part, at the committees of the privy council, as for trade and plantations, &c. which might be called English business, he never cared to attend at the committee for foreign affairs. He professed himself, for want of a fit education, and study, incompetent to judge at all of those matters. I have heard him say that, of all the subjects that he had ever come in the way of, to hear debated, he could least bring himself into a satisfactory resolution concerning foreign affairs, even when he was present at councils of that sort; and then no wonder he declined giving any judgement thereupon. But yet he hath often ventured so far, among his friends, as to declare that he thought King Charles II. understood foreign affairs better than all his councils and

counsellors put together; for, by reason of his unhappy exile and travels, he had either a personal acquaintance with most eminent statesmen in Europe; or else, from such as could instruct, received their characters, on whom the crisis of most courts depended. And this knowledge he perpetually improved by conversing with foreigners, as they came over, men of quality, and ambassadors, whom he would sift, as being a good judge of their veracity, and serve himself, one way or other, of their conversation, and possibly drunk as well as sober.* And, when they thought to sift him, who, to give him his due, was but too open, he failed not to make his best of them. It was his lordship's fortune to clear the doubt of a Turkish war, contrary to the opinion of all the foreign ministers, by the means of his brother Sir Dudley North, whom, for that end, he caused to attend the king in council but this passage hath been accounted for in the Examen.† I might touch here upon an unhappy difference that fell out between the Earl of Halifax and the Lord Rochester, about the bargain made with the farmers of the excise, which quar-

* This character for acute observation is also attributed to Charles by Sir William Temple: "He had more observation and a truer judgment of men than one would have imagined by so careless and easy a manner as was natural to him in all he said and did."

† Examen, p. 462, *et seq.* See also the Life of Sir Dudley North.

rel his lordship had some small share in; but as Sir Dudley was the chief actor therein, I shall leave it to its proper place in that gentleman's life.*

The king become more addicted to business than formerly.

His lordship took notice that the king, having had some aguish attacks at Windsor, appeared to be more considerative, and grew more sensible of the niceties of state government, than he had been before, especially relating to the treasury. He found that to be his sheet-anchor; for the parliament would not always be in a giving humour; and the less, if he could not subsist without their help; for that animated his enemies, by giving hopes that his necessities would, at length, reduce him to the state of *carte blanche*. He used to be often present at the treasury, and saw the estimates and dispositions of his ministers in that office, and what hands were capable to supply what he had seriously in his mind to perform; and particularly the providing for his natural children, and building the new house at Winchester, which he thought to be a better air than Windsor.† And reason good; for the latter stands on a sharp cliff respecting the north, where all the air of the valley, from that quarter, pinches upon the castle, as water, entering

* For a full account of this transaction, see Sir John Reresby's Memoirs, p. 150, *et seq.*; Burnet's Own Times, vol. ii. p. 920; and the Life of Sir Dudley North.

† See the Life of Sir Dudley North.

at the great end of a hunting horn, passeth through, at the lesser end, with much more violence and swiftness. His majesty was very much concerned and impatient to have this new building finished, saying, "a year was a great time in his life." And so truly it proved; and the more unhappy, because now he was past the gaieties and pleasures to which he had been furiously addicted, and which had almost disabled him as to government. Such supine errors and neglects had he been guilty of; and without a singular penetration, and good judgment of men and things, which he was egregiously master of, and at fit times exerted, he had been, as his father was, lost. Nay, probably, if his father's example had not been flagrant before his eyes, and if, of the two, it had been his chance to have been the earlier subject of the factious practice, and thereby, as his father was, surprised into a fond way of trusting persons, in all probability, his majesty had not escaped so well as he did. But now he was so timely instructed, and also by experience capacitated, and, withal, very good-natured and beloved, that, had he lived long, his reign had been the most happy and glorious that the English histories could boast of. And whereas some of our barbarous writers call this awaking of the king's genius to a sedulity in his affairs, a grow-

ing cruel,* because some suffered for notorious treasons, I must interpret their meaning; which is a distaste, because his majesty was not pleased to be undone as his father was; and, accordingly, since they failed to wound his person and authority, they fell to wounding his honour. But more of this in the Examen.

The king's sickness, demise, and false report of his being poisoned.

I am now come to that most funest alteration of affairs, by the king's sickness and death; of which I shall mention only what took in his lordship and his ministry, leaving the history, more at large, to the Examen. The attack was at the levee, when the room was full, and physicians in waiting; and then the king fell back in his chair; with some exclamation, as one that dies suddenly. The physician straight blooded him in the arm, and he recovered a little life and sense, and so was conveyed to his bed, where he languished about a week, and then expired. The privy council sat almost continually in the next room, and the physicians passed to and fro, as occasion required, to give them satisfaction of the king's case, and their methods. His lordship never came from the council but in a profound melancholy; for, from the beginning, he saw no hopes of his life to continue

* "He had," says Burnet, "an appearance of gentleness in his outward deportment, but he seemed to have no bowels or tenderness in his nature, and *in the end of his life, he became cruel.*" (*Own Time*, vol. ii. p. 1052.)

long. He told us, that, observing the discourse of the doctors to run all upon indefinites, what they observed, their method intended, and success hoped, and the like, he said to them, "That these matters were little satisfaction to the council, unless they would declare in the main, what they judged of the king's case; whether his majesty was like to recover, or not." But they would never be brought to that; all lay in hopes. But one day they came into the council, and had such cheerful countenances, that their lordships thought some good news was at hand. The business was to acquaint their lordships that now, all was like to be well; for the king had a fever. At this his lordship started, and "Gentlemen," said he, "what do you mean? Can any thing be worse?" One answered that "now they knew what to do." "And what is that?" replied his lordship. The doctor said, "To give him the cortex." And so they proceeded whilst life lasted. I am not to enter into all the fatal circumstances, and libellous reports ventilated abroad upon this dismal incident: but shall touch one, which was, that the king's sickness was the effect of poison, to make way for the succession. There are many reasons against this to be found in the Examen,* and

* See the Examen, p. 648. "His death," says Mr. Fox, (*Historical Fragment*, p, 61) "was by many supposed to be the effect of poison; but, although there is reason to believe

therefore shall mention here only what I observed of his lordship, which weighs with me as much as any thing; and that is his lordship's never suspecting, or mentioning such a thing; as he would have done, had there been reason. And if any person about the king, on the Protestant side, had, in the least, suspected such foul play, his lordship would have had an intimation of it; which I believe he never had; nor did it enter into his thoughts, no more than it appeared in his discourse. But, with the death of this good master and sovereign, all his lordship's joys and hopes perished; and the rest of his life, which lasted not long after, was but a slow dying.

The state quietly settled in the succession of King James II. Some repartees.

It pleased God that the temper of the nation was, at this time, so universally settled in loyalty (saving only the very dregs of a malevolent party) that there was no apprehension of any disorder, either during the king's sickness, or after his de-

that this suspicion was harboured by persons very near to him, and among others, as I have heard, by the Duchess of Portsmouth, it appears, upon the whole, to rest upon very slender foundations." Upon this passage, the noble editor observes in a note, that Mr. Fox had this report from the family of his mother, great granddaughter to the Duchess of Portsmouth. See the "very surprising story," told by Burnet, (vol. ii. p. 1049,) which corroborates the tradition mentioned by Mr. Fox. For other accounts of the death of Charles II. see *Evelyn's Memoirs*, vol. i. p. 580; *Welwood's Memoirs*, p. 120; *Barillon's Letters, in Appendix to Fox.*

mise; but, on the contrary, almost every living soul cried before and at his decease, as for the loss of the best friend in the world. The remembrance of which, other notices apart, makes it wonderful to me, that have lived into succeeding times, to hear this good king's reign referred to as a touch-stone of tyranny. But no more of that. The next work was for the council, and great men in and about London, to meet and order the proclamation of the successor King James II. which was done the same day; and then all the great officers waited upon his majesty, and rendered their several offices and charges into his majesty's hands, and he returned them back to them again. After this, the proclamation issued to continue all country commissions, and authorities whatsoever, till farther orders should be taken; and so, in a few hours, the government was upon wheels again, without any concussion at all; which succeeded according to the known law of the English monarchy, viz. that the king never dies; whereof the virtue may be sensible to those who have felt a republic. I remember his lordship told us that a great man of the new court, in a bantering way, attacked him; and "What is the reason," said he, "that you lawyers say the king never dies, and we are now considering how to order the king's funeral?" His lordship answered quick "that, by law, it was not the death, but demise of

the king." Which, by the way, was a law banter back upon him; and so fools are often answered in their folly. How necessary it is for a courtier to be expert at repartee, I may show by one instance. After this demise of the king, and the duke's accession to the throne, the Lord Rochester bore the greatest sway in the court and treasury. His lordship and that lord were once consulting about measures to be taken in preferring men to places of trust and management in offices under the crown: and his lordship was for taking in those who had been bred in the business, and had gone through the servile part of the offices, and were gradually come up to the station of directing others, as most like to serve profitably; for none could understand the business better than they. The Lord Rochester was for preferring Tories and High Fliers, whom he called the king's friends, for encouragement of others; and "G—ds w——ds, my lord," said he, "do you not think I could understand any business in England in a month?" "Yes, my lord," answered the lord keeper, "but I believe you would understand it much better in two months;" which made a full close of the argument.

The difficulties about collecting the life revenues.

After this happy inauguration of the government, the first great matter, that came forward to be wisely determined by his majesty's council and ministry, was to settle the collection of the tonnage

and poundage, and other duties given by parliament only for the life of King Charles II. and by his demise, in all legal sense, determined: about which the difficulties seemed almost insuperable. The valuable merchants of London came to the commissioners of the customs, and entreated of them that the customs might be gathered as formerly. "Otherwise we," said they, "that have great stocks in our warehouses, for which we have paid custom, are undone; for the unfair traders, and runners, and such as come in before the duties are recharged, will undersell us, as they well may, paying no custom. There is no doubt but the parliament will give the customs for the whole time; and why should they not be collected in the mean time?" The commissioners were careful not to do a thing, however reasonable, so obnoxious as that was; for the levying money of the subject, without any law to warrant it, was a case utterly defenceless in parliament; and they would not stand in the gap to be buffeted, in case any members should stir up a charge upon them for so doing. Therefore, designing to disengage the thorn, and fix it in the foot of their superiors, they attended the treasury in a body, and made a representation of the request of the citizens, their reasons, and the undoubted ill consequences to the king and people, if the revenue of the customs was not collected, and prayed their lordships' directions

how they should behave themselves in the matter. There sat Lord Godolphin, Sir Dudley North, and other judicious persons commissioners.* They saw the intent of these gentlemen, which was to screen themselves by their order; wherefore, calling them in, they told them that they were his majesty's commissioners for collecting the customs, and had all the laws, touching the revenue, before them; which laws they would do well to peruse carefully, and govern themselves accordingly; and that was all the answer they could give them. This was cold comfort; but soon after, the business pressing, the king laid it before the council, and demanded their advice what would be the best method for managing this affair. The Lord Chief Justice Jeffries moved that his majesty should cause his royal proclamation to issue, commanding all officers to collect, and the subjects to pay the revenue, as formerly. My Lord Keeper North was not of opinion that to issue such a proclamation, at this time, would be for the king's service; because it would have the worst turn that such an affair could take; that is, giving a direct handle to his majesty's enemies to say, that his majesty, at the very entrance upon his government, levied money of the subject without act of parliament.† There

* See the Life of Sir Dudley North.

† See the very singular and important relation given by Barillon of his conversation with the king, regarding this subject, (*Fox's James II. Appendix*). The king admitted that, if opposed, he would levy the custom *by force*.

was no doubt but the parliament would renew the act as full as before; and, if the collection might be carried on without such misconstruction, it were better. Therefore he proposed that the proclamation should require the duties to be collected, and paid into the Exchequer, and that the officers of the Exchequer should keep the product returned, safe, and apart from other revenues, until the next session of parliament, in order to be disposed of according as his majesty, and the two houses, should think fit. One would have believed this expedient plausible enough, and calculated to obviate the ill use a repullulescent faction might make, if the other way was taken. But, it seems, this was too low and trimming for the state of the court at that time, and a positive proclamation issued. The temper of the public was, then, so propitious to the crown, that almost any thing would be borne with, which, in other times, would have raised a flame.* All which was owing to

* "No resistance was made; nor did the example of Hampden, which a half century before had been so successful, and rendered that patriot's name so illustrious, tempt any one to emulate his fame." (*Fox's Historical Fragment*, p. 91.) "The king made no mention of this claim by virtue of his prerogative, nor did the parliament find fault with him for collecting it as he had done." (*Life of James II.* vol. ii. p. 17.) Burnet indeed informs us, that "endeavours were used with some of the merchants to refuse to pay the duties, and to dispute the matter in Westminster-hall, but none would venture on so bold a thing." (*Burnet*, vol. iii. p. 1066.) On this occasion

the recovery in the predecessor's times, which, as a force impressed, carried the humour deep into the next reign; though the moving cause was, in great measure, lost out of men's minds. Thus was the grand revenue, by law precarious, put into a way of being collected, and answered, by virtue of a direct proclamation.

The parliament summoned and met. His lordship prepared to speak at the opening, but not permitted.

The next great incident was the summoning a parliament; and, accordingly, writs issued returnable Feb. 1684-5. All people interested themselves, one way or other, to procure, or disappoint, elections: and the court was not idle; his lordship got as many of his friends and relations to be chosen as he could; in which, besides his own influences, he had the nomination to some of the king's boroughs.* Those who came in by his recommendation, were, for the most part, gentlemen of honour and estates, as well as credit, in

the members of the society of the Middle Temple disgraced themselves by a servile address to the king, in which they gave him thanks for "his preservation of the customs," and asserted that this act of the prerogative "had never been questioned in any parliament, except in that in which were sown the seeds of rebellion against the glorious martyr, his royal father." This address is said to have been penned by Sir Bartholomew Shower.

* See the account of these elections given in Narcissus Luttrell's MSS. (*Howell's State Trials*, vol. x. p. 34.) The most corrupt practices were resorted to by the court and its adherents. See also *Burnet's Own Time*, vol. iii. p. 1072, 1077.

their countries; such as Sir Henry North,* and Sir George Winieve in Suffolk; Mr. Robert Foley, and others I might name, whose memories, are respected, in their countries, at this very day. And, to make the attendance easy to these gentlemen, whose concerns were in the country, he took divers of them to rack and manger in his family, where they were entertained while the parliament sat. His lordship's design was to have the parliament truly church of England Protestants, and loyal to the crown; which character he thought aptest to establish the religion and laws of the kingdom, and to resist all attempts of altering any of our fundamentals in church and state. And he was happy in not seeing it dissolved; for he died before that happened. It may be his wisdom and foresight might have prevented that fatal stroke. But that was not to be accounted the only state error which his death made way for; since it is well known how precipitously they flowed in one after another, as soon as he was gone. How far his lordship concerned himself to keep the king in a way of using parliaments, and for the preserving this, with his reasons, will be shown in a proper place. His principles and resolutions, firm to the national establishment, were so well known at court, that he was not trusted in any important

* Of Milden-hall in Suffolk, *ob.* July 5, 1695.

step that was made.* He considered well, that, at the meeting of this parliament, it was his office, and had been formerly the usage of the great seal, to declare at large the cause of calling, and the king's pleasure to the parliament; and he had framed a speech† to be made at the opening, and

* With what views the king summoned this parliament, may be best learned from his own statements to Barillon.—*(Vide Appendix to Fox's James II.)*

† [For the entire justification of his lordship, and in order to demonstrate the sincerity and uprightness of his intentions, I have thought fit to subjoin the speech itself, as it was found among his papers. It is as follows:

A speech prepared for opening the parliament 1 Jac. II. in case the king had commanded it, and had not taken the whole upon himself.

My lords, and gentlemen,

The causes of summoning every parliament, expressed in his majesty's writs, are certain. The writs, by which you are called to attend his majesty for the holding this parliament, express the cause of summons in the usual manner for certain weighty and urgent affairs concerning the king and state, and the defence of his kingdom and the church of England.

If at any time there arise weighty affairs, and if at any time they are urgent, it is at the entrance of a king upon his government. For that is the time upon which both king and people make a judgment of their condition. If the beginnings prove auspicious, they give assurance of a serene and happy reign.

It hath pleased Almighty God hitherto to bless his majesty with prosperity. His accession to the throne was calm and peaceable, notwithstanding all the former threats of faction;

calculated it to the happy genius of the assembly, as he understood it, tending all to a continuation of settlement of peace, and resistance of innova-

and the people have, not only submitted to him according to their duty, but with great zeal given early demonstration of their affection, by waiting upon him from all parts, with addresses and congratulations; and none have departed without entire satisfaction by those gracious expressions of his goodness, which his majesty was pleased to make them.

The coronation was solemnized with an universal joy and acclamation, and had the most numerous and splendid attendance of the nobility that any age hath seen.

Nothing can equal the lustre of it but the solemnizing of this day, when it is truly said the king is seated most high in his estate royal, being attended by his three estates, whose advice and assistance makes him the greatest prince in Europe.

And this day is no less auspicious by the appearance of so many persons of eminent and constant loyalty, who have, in all times of difficulty, given abundant testimony that they can never fail the service of the crown.

May the good omens be continued to his majesty, not only in this happy meeting between him and his people, but through the whole course of his reign, to make him the greatest and happiest of princes.

If we look back a few years, and consider to what distress the crown was brought by the power and insolence of faction, which was grown to that formidable height that it had almost taken possession of the government, had overspread the kingdom, and by its false arts, and the activity of its emissaries, prevailed, not only in the choice of magistrates, but to bring the most violent of their party into the House of Commons, whereby to render parliaments, the most firm and powerful support of the crown, useless.

It was hardly safe to speak in defence of the king whilst

tion. In which speech he had employed more of oratory than I ever saw in any thing he had, on any other occasion, performed. He showed us

treason was talked in the streets, and the faction openly provided arms, and every day threatened rebellion.

I say, when we look back upon the dark face of those times, and consider the change that hath been wrought in these few years, we must attribute the felicities of this day to the providence of God Almighty, who stilleth the raging of the sea, and changeth the hearts of men.

It must be acknowledged to be his doing, for it is marvellous in our eyes.

It is he, and he only, that could bring such a sudden confusion and desertion upon the king's enemies by his signal providence in discovering their infernal designs of assassination, massacres, and rebellion; whereby all good men were brought to an utter detestation and abhorrence of them.

When we were newly delivered from this danger, it pleased God to deject us by a more sad calamity, in the sudden sickness and death of our late gracious sovereign, under whose merciful reign we had lived in a most happy condition, and upon whose life our peace seemed to depend, the faction having openly threatened to fly to arms against his rightful heir.

But it pleased God quickly to dispel our grief, and to raise our drooping spirits, by showing us the same excellencies, the same princely virtues in our most gracious sovereign, and all the assurance our hearts could desire of an happy government.

And at the same time to dispirit the king's enemies, who had maliciously represented the prospect of his reign in the most odious manner they could devise, as a scene of cruelty and all the evils imaginable, so that they saw it in vain to take up their former pretences of being patriots, they thought it more safe to lie hid, knowing themselves odious to the

this speech, being what he was minded to say; but withal, declared he would not utter a syllable, of which he had not the king's allowance at the

people whom they had so abused by their abominable lies in traducing the best of princes.

Their disappointment, their disgrace, their confusion, will be no small part of their punishment; and may they go on daily from one degree of despair to another. Let them burst with envy to see this happy day, this happy meeting of the king and his people. Let them see all the mutual endearments that can pass between a most indulgent father of his country, and a most loyal parliament.

His majesty hath this day already done his part towards it by his gracious expressions of so much tenderness for his subjects, so much care of those things that are most dear to them, their religion and their laws.

And I dare say there will be no failure on your parts to complete this good correspondence, by making a steady and public demonstration of that duty and affection which is in your hearts.

You may look upon the gracious promises you but now received from his majesty as concessions made in full parliament, as laws which his majesty hath given himself, which will be more binding and effectual than any that can be proposed to him.

Never therefore let our church of England, fear to want support, when he hath said he will defend it. Never let any man entertain the least jealousy of arbitrary government, when his majesty hath declared against it.

What suitable return can we make for so much goodness? Let us give him fresh and powerful instances of our loyalty, that may confirm the good opinion he hath expressed of his church of England. That may make him love parliaments,

cabinet council. But the policy of the court was such, that all this proved labour in vain. He was not trusted to speak to the parliament, but the

and redeem that credit which the violence and unreasonableness of the commons have of late impaired.

Let us show to all the world that we love our king, that we trust him, that we shall never be wanting to his service. This will deter all unquiet spirits at home from troubling our peace, and will give his majesty that reputation in foreign parts, that will make him arbiter of the affairs of Christendom; an honour the people of England always desired their princes should have.

My lords, and gentlemen,

The summer advanceth so fast, that you may be in some pain to think that you cannot have time to bring to perfection those things which may be needful, and you should do for the king's service. I would therefore recommend to you to take up those things which are most plain and easy of dispatch, which is to look into those laws which are expired of late; laws ready drawn, already put in practice, (it will be a short work,) such of them as you have found useful.

But your first and chief care ought to be of those laws which concern the king's revenue; by the continuance whereof, you will establish him in the same condition with the late king, in whose throne it has pleased God to place him.

There are other laws expired which were of public consideration for maintaining the peace, and suppressing sedition, which will deserve your particular regard. Though, God be thanked, faction is now low, and out of countenance, we must not despise it so as to neglect to make wholesome provisions against it. We may be sure it will begin to creep again upon the least warmth, and will lose no opportunity of troubling our peace. We ought therefore to keep a watchful eye over it.

king took it all upon himself; and he made his own speech; at least the lord keeper had no hand in it.* For he was not so much as consulted about either the matter, or expressions, the king intended to use; as one may well judge by the unguarded tenor of it. The private consult knew that his lordship could not forbear commending and recommending what of the constitution they designed to alter.

When the parliament was met, and qualified to

And above all things, we ought to be careful that it gain no footing within these walls, by creating divisions amongst us, or reviving that absurd distinction between the court and the country party; as if the king's and his people's true interest were not the same.

Let it be always a maxim in parliament, that what is given for the support of the king and his government, is bestowed for the people's benefit; and that proposing laws for the convenience of the people, is a service to the crown. And therefore you may assure yourselves that what bills you shall prepare and tender to his majesty for the advancement of trade, the easy and speedy administration of justice, detecting frauds, suppressing enormous crimes, or any other matters that conduce to the happiness or ease of the king's subjects, will receive a most gracious answer.

For it will always be the interest of the king, that his subjects should live happily; and the greatness and prosperity of the king will always be the safety and satisfaction of the people.

I have it farther in command, &c.] —*Note in the original.*

* Evelyn notices the fact as an innovation upon the usual practice.

The life revenue settled; a duty ½ on tobacco, and ¼ upon sugars per pound, and the brigues about it.

do any business, all the revenue matters were dispatched to the king's content, and a supply was given of a half-penny per pound upon tobacco, and a farthing upon sugars; very small with respect to what hath been given since; but it made a greater stir, and had more opposition in parliament, than any later revenue or supply bill ever had; and, upon voting the supply, and charging it so to be levied, it was cried out upon, as if it had been a surrender of liberty and property. "For," said some, "we shall enable the king to raise and pay an army to enslave us: doth he not talk of his armies in his speech?" And the merchants, who, for the most part, chimed in with those opposers, declared the trade would be clogged and ruined. The grocers declared they would throw up, and not deal in those commodities: insomuch that my Lord Rochester was frighted, and was inclined to fall off from this, and to busk for some other way to raise the supply. It seems that, to answer these clamours, the tax was so qualified, that it must needs lie upon the inland consumption only, and not affect the exportation; and, for that end, a drawback of the duty was given upon all tobacco and sugars exported. This did not satisfy; and the traders clamoured no grain the less; and when men look grave, and object, though without reason, folks are apt to think them in earnest. On the other side, Sir

Dudley North, a commissioner of the treasury, who managed for the king in the House of Commons, and other intelligent merchants, told the Lord Rochester that all this noise was knavery, and there was nothing in it; and, at a meeting of the grocers at my Lord Rochester's, made it plainly appear to be so; as will be showed more particularly in the course of that gentleman's life.

Refusal to qualify officers in the army, and his lordship's stopping the proceeding of Jeffries in the West.

The first overture of setting up the dispensing power, was in this first sessions of the parliament; for the word *army*, in the speech, gave great offence. But what gave more, was an attempt to indulge the military officers to act without qualifying themselves according to the test laws. By this attempt in parliament, and other more private prognostics, his lordship perceived a disposition in the interior court, to decline parliaments, and rely upon an army; for which deliberation they had but too much encouragement by Monmouth's rebellion, which broke out during this first session of parliament. The loyal and honest temper of the parliament, appeared in nothing more than in their behaviour in this point. After much debating, they showed a disposition, by a particular law, to qualify any persons the king should in particular nominate to them: But that would not be accepted; which, on the one side, was a great oversight, and, on the other, a great escape; for the members had incurred no little infamy abroad,

by consenting to enact even so much as that was. And as for a general qualification, that is, a repeal of the test and penal laws in military cases, it would by no means be agreed to: and upon that point, in the end, the parliament was broke; as the accounts of the closetting,* afterwards, make plain. I have no more to relate of this parliament: in which his lordship presided as speaker upon the woolsack, an employ mostly taken up with forms. Only the business of appeals, from some of his decrees, was fastidious; because Jeffries affected to let fly at them, as if he would have it thought that he was fitter to be chancellor. During this session of parliament Monmouth landed, and all the acts that could be thought of, significant against him, were passed; as attainders, &c. After he was beaten at Sedgmore, the Lord Chief Justice Jeffries performed his memorable expedition in the West, armed, not only with a commission of Oyer and Terminer, but also an authority to command

* "He prorogued the parliament several times for two years," says Father D'Orleans, "labouring during that time to gain them, even to discoursing every one of them particularly in his closet, which made the English call that way of conference *closeting*, that is persuading in the closet." (*History of the Stuarts*, p. 291; see also *Dalrymple's Memoirs*, p. 154.) The judges were commanded, during their circuits, to ascertain the dispositions of the members of parliament with whom they should happen to meet. (*Sir John Reresby's Memoirs*, p. 239.)

the forces in chief, as general of the West;* for so he was styled. Upon the news returned of his violent proceeding, his lordship saw the king would be a great sufferer thereby, and went directly to the king, and moved him to put a stop to the fury, which was in no respect for his service; but, in many respects, for the contrary. For though the executions were by law just, yet never were the deluded people all capitally punished; and it would be accounted a carnage, and not law, or justice: and, thereupon, orders went to mitigate the proceeding; but what effect followed, I know not. I am sure of his lordship's intercession to the king on this occasion, being told it, at the very time, by himself.†

* The king, in two letters to the Prince of Orange, calls this expedition "Jeffries's campaign;" and with a brutal levity, befitting the patron of that ferocious man, talks in the same paragraph of fox-hunting and stag-hunting. (*Dalrymple's Appendix.*) See also the Life of Sir Dudley North, where it is said, that Jeffries "had a commission of war, which empowered him to command all the forces in the West."

† It has been observed that North is not correct in his statements of this transaction. (*See Ralph*, vol. i. p. 893, *note; and Howell's State Trials*, vol. ii. p. 303.) The lord keeper died, according to Ralph and Collins (vol. iv. p. 342, ed. 1735,) on the 5th September, 1685; and this account is corroborated by Roger North, (*ante*, vol. i. p. 8.); and by Evelyn, who, under the head of the 6th September, says, "About six, o'clock, came Sir Dudley, and his brother Roger North, and brought the great seal from my lord keeper, who died *the*

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The business of the coronation, and his lordship's sickness, with some peculiar circumstances.

At this time, the solemn coronation of the king and queen was promulged;* a committee of council to settle the formulary, and a court of claims erected by commission; in which his lordship, as chief, gave the rule. At the former, the Arch-

day before, at his house in Bedfordshire. The king went immediately to council; every body guessing who was most likely to succeed this great officer: most believed it would be no other than my Lord Chief Justice Jeffries, who had so rigorously prosecuted the late rebels, and was now gone the western circuit, to punish the rest that were secured in the several counties, and was now near upon his return." (*Memoirs,* vol. i. p. 569.) Roger Coke also expressly says that the lord keeper died "when Jeffries was in his march in the West, (*Detection,* vol. ii. p. 434.) Now it was not until the beginning of September, that Jeffries (to use the words of Ralph) "hoisted his bloody flag, and made it appear that he resolved to give no quarter." The commission, according to the same author, being opened at Dorchester, whither the bulk of the prisoners had been conveyed on the 3rd of September, the statement in the text cannot, it should seem, be correct.

* This coronation was performed with great magnificence. Burnet tells us that the king was "for some weeks so entirely possessed with preparations for that solemnity, that all business was laid aside, and nothing but ceremony thought on." (*Own Time,* vol. iii. p. 107.) During the performance of the ceremony some evil omens were observed: amongst the rest, the crown, not being properly fitted, tottered on the king's head; Henry Sidney, at that time keeper of the robes, preserved it from falling, and pleasantly remarked, "this is not the first time our family has supported the crown." (*Dalrymple,* p. 112.)

bishop of Canterbury* and his lordship had some difference. The archbishop, as the council thought, spun too fine; for that was his way; and he would not abate one scruple of what he thought his duty, which made them think he trifled; and my Lord Halifax said his name should be *Sede Vacante.* However, all ended smooth and well. And here I must introduce a dismal catastrophe; which was his lordship's sickness and death. All these loads of the death of King Charles II. the managing in order to the coronation, and the parliament, and sitting there to hear his decrees most brutishly and effrontuously arraigned, which he must defend with all the criticism and reason, as well as temper, that he could, by stress of thought, muster; besides the attendances at court and council, where nothing squared with his schemes, and where he was, by Sunderland, Jeffries, and their complices, little less than derided; to all which the dispatch of the chancery business is to be added, where, for want of time, all run in arrear; which state of the court was always a load upon his spirits:—all this was more than enough to oppress the soul of

* Dr. Sancroft, the first of the seven bishops. Burnet gives him an unamiable character, (*Own Time,* vol. ii. p. 675.) On the accession of William III. he refused to recognise his title, and, according to Burnet, "acted a very mean part in all this great transaction." But see the vindication of him, in his Life by D'Oyley.

an honest, cordial man; and I verily believe it did that to his lordship, which people mean when they say that "his heart was broke;" but I guess that, with him, it was rather his head than his heart. Some time before the parliament rose, I had notice brought me in the morning, that my lord keeper was taken desperately ill. I got ready as soon as I could, and, coming into his chamber, and to his bed-side, he looked at me and said, "Will you believe I am ill now?" I was one that used to rally upon his fancies as to health, as if he ailed nothing; and truly, for the most part, I was in the right; for he was inclined to the splenetic. But now it was plain he was in a very bad case. He was taken, in the night, with a very bad cold, that obstructed all the passages on one side of his head, and he had very great pains there, and, withal, a fever. The afternoon before, he was not well, but made no show of it. The barber trimmed him, and, being uneasy, he thought he never would have done; and the image in his dream, at the accession, was of the barber's hand patting his cheek with cold water till it was numb. And, after he was awake, that thought stuck in his mind, and he could never shake it off as long as he lived, which was not above four months after: and he would often inveigh against the barber's impertinence, which he sincerely thought gave him his cold. Let all that reflect on non-sanity of

mind, observe that it hath its degrees and importances, and that corporal inflictions shall impress ideas which shall ever after remain involuntary: if about trivial things, they are conceit and fancy; if important, madness. For in the extremity of fatuitous madness, there is nothing to be found but the consequences of error and credulity, by what means soever, whether pride, fright, fever, love, &c. impressed at first. But, to return to his lordship, his family physician, Dr. Masters (who was bred under Dr. Willis, and introduced by him) was sent for; and he ordered phlebotomy, and, having directed his diet, expected what turns the distemper would take, and watched him carefully and continually, in order to farther prescription, as reason might require. And thus the man might have had fair play for his life; for who is exempt from fevers? and it is but some, not all, that have them, die. Thus he lay restless, under a burning acute fever, without any notable remissions, and no intermissions. This dangerous sickness of the lord keeper being known about town, all the accustomed impertinences, of messages and visits, were acted, but kept from the sick man, to whom they were of small profit. There were some relations, and particularly Sir William Soams, a sort of brother-in-law, who were much concerned about his physician; he was too plain a man, and not in top practice, and but one: and it was absolutely

necessary that some other famed doctor should be called in, saying, "A man of his lordship's distinction ought not to be trusted with one physician." People will ever be fond of doctors, as Popish zealots are of saints, and think that the power of life and death is in their hands. Whereas, generally, the practice is common to all; and, when they swerve, and are singular, it is as much for death as preservation. But hereupon Dr. Short was sent for, who, finding his lordship in an acute fever, approved of what had been done, and, to qualify his prescription, said "that a man of his value was not to be trusted with a fever." So to work he went with his cortex to take it off; and it was so done; but his lordship continued to have his head-ache and want of sleep. They gave him quieting potions, as they called them, which were opiates to make him sleep; but he ranted, and renounced them as his greatest tormentors, saying "that they thought all was well if he did not kick off the clothes, and his servant had his natural rest; but all that while, he had axes and hammers, and fireworks in his head, which he could not bear." All these were very bad signs; but yet he seemed to mend considerably; and no wonder, his fever being taken off by the cortex.

His lordship's amendment by the cortex, did bu-

All this while the parliament was sitting, and the business of the coronation attended his coming abroad, and he, having an impulse in his nature

to dispatch whatever belonged to him to do, ventured out before he was, in any competent manner, healthful; and sat in parliament, dispatched all the claims, attended the council, and the committee for the coronation, and did what he could in the Chancery, and, what was more, paid his last duty to his master in walking at the coronation. And, as an instance of his lordship's caution in great matters, I must here take notice that he had his majesty's sign manual to order his not publishing a general pardon; which, sometimes, men have thought belonged to the great seal to do of course. During these employments, every one that saw him, said he went about as a ghost, with the visage of death upon him. Such a sunk, spiritless countenance he had. And yet his strength of mind carried him through all; and his bearing the long fatigue of the coronation ceremony and walk, was really a wonder. Nor had it been strange if one, with mortal wounds upon him, as he had, had dropped in the piazza. During all this time, his appetite was gone, and cookeries were provided in order to tempt his palate; but all was chip. We made his evenings as comfortable by society as we could, with such news as the town afforded, and all kinds of familiar chat, which was his greatest delight when he was well. He found his spirits low, and thought to favour and erect them by a glass or two of

siness, and much disabled by a slow hectick.

sherry, or Sandwich ale, after his no-supper. But the case of his fever was this: the rage of the disease, which was the effort of nature to throw off the venom that caused it, was taken down by the cortex; but the venom, then afloat, was let sink into his constitution: and it is now found that, without there be an intermission of the fever, the cortex doth but ingraft the venom to shoot out again more perniciously. And so, in his lordship's case, he had a seed of a malignant fever in him, which turned to a malignant cachexy, kindling and burning in the centre of his very vitals, making little show but in his pulse, and a general pain, and continual uneasiness, languor, and want of sleep.

His lordship's dejection, and retirement with the great seal into the country.

While his lordship went about in this disconsolate state, it is easy to be conceived how little of comfort was his portion. He had no glimpse of satisfaction, in the prospect of future events, as to the nation at large (and how much he laid that to heart will be made appear afterwards), concerning which he had no fair expectation but what terminated in himself: viz. that, after having done the utmost that lay in his power to do, to obviate the impending mischiefs, he might hope to have delivered his own soul. And his feverish disease growing upon him, his spirits, and all that should buoy a man up under oppression, not only failed, but other things, of a malign complexion,

succeeded to bring him lower: which may be fully understood by this circumstance. He took a fancy that he looked out of countenance, as he termed it, that is, as one ashamed, or as if he had done ill, and not with that face of authority as he used to bear: and, for that reason, when he went into Westminster-Hall in the summer term, he used to take nosegays of flowers to hold before his face, that people might not discern his dejection; and once in private, having told me this fancy, he asked me if I did not perceive it. I answered him, not in the least; nor did I believe any one else did observe any such thing: but that he was not well in health, as he used to be, was plain enough. His lordship, in this state, took a resolution to quit the great seal, and went to my Lord Rochester to intercede with his majesty to accept it; which had been no hard matter to obtain. But that noble lord had no mind to part with such a screen, and at that time (as he told me himself) he diverted him. But his lordship persisted, as will be made appear afterwards by a letter. Whereupon the Lord Rochester obtained of the king that his lordship might retire with the seal into the country, and that the officers, with their concerns, should attend him there, in hopes that, by the use of the waters, and fresh air, he might recover his health against next winter; when it was hoped he would return perfectly re-

covered. This was indeed a royal condescension, and singular favour to him.

His lordship's physicians sent him down desperate, and the waters of Astrop prescribed.

During this mixture of disease and business in town, there was no want of physicians to attend upon, and prescribe to him. They found he had a lent fever, which was growing up out of the dregs which the cortex had left; and, if it were not taken off, they knew he would soon perish. So they plied him with new doses of the same, under the name of cordial powders, whereof the quantity he took, is scarce credible; but they would not touch his fever any more than so much powder of post. And still he grew worse and worse; no means would restore him any appetite. At length, the doctors threw up, and said their medicaments had no effect, and his blood afforded him no kind of nourishment; and he had no way left but to repair to his seat at Wroxton, which was near to Astrop Wells,* and drink those waters, which they hoped would cleanse his blood, and restore his decayed spirits. After this sentence pronounced, we straight packed up our alls, and made as full a family of relations as we could to divert him. The family physician went with us, and he had his chests of medicines, as if we were going a voyage to the Indies. We, that rode in

* Astrop, or East Throp, near King's Sutton, in Northamptonshire. The medicinal qualities of the water at this place, had been lately discovered by the celebrated Dr. Lower. (*Wood's Ath. Ox.* vol. ii. col. 857.)

the coach with him, had a melancholy journey; for he was hopeless of life to continue long, and of any comfort while it did continue, and declared expressly that this was to be his last journey. There were pillows, and all contrivances that he might be easy. He complained of no inconvenience in the journey, by jogging and tossing, though he could not but feel a great deal; but his patience was extraordinary; and, as he had resolved beforehand, he made the same stages he formerly had been used to. We had a great rout attending, that belong to the seal, a six-clerk, under-clerks, wax-men, &c., who made a good hand of it, being allowed travelling charges out of the hanaper; and yet ate and drank in his lordship's house. I must own that, bating his lordship's illness, (which was bitterness with a witness) I never was in a more agreeable family. For it was full as a city, and with persons of good value and conversation; all under the authority of one whom all revered; and, out of decency, as well as respect to him, not the least intemperance, or disorder of any sort, committed. And what crowned all, was, first, the chief table almost filled with the dearest of his lordship's relations, and the hopes that sometimes were afforded us in the country, of his lordship's recovery.

His lordship's manner of living, and the various

The gentlemen of the country were very humane and obliging; for they all came and dined with him, and, with deference to his ease, invited him. But his

amusements during his taking the waters.

regimen permitted him to go no where; nor did his relations make many excursions: but some he obliged them to, for excuse for himself, where he had great respects. He took the waters in bed, for they did not agree with him up, and, in a week or fortnight's time, his urine, before disordered, was rectified; and he had some appetite. Some of us would be saying to the doctor that there was an apparent amendment; but he used to shake his head, and put his hand to his wrist; and once, in plain terms, told us that, till he found amendment there, he had no hopes. I passed as many hours alone with him as any one, and, after his old wont, he would speak his very thoughts to me; and, when he reasoned wrong concerning himself, I took the freedom to argue, as I thought, right. As in this instance: he said his physician was extremely to blame, who was so much in his company, and did not put him under some regimen as might have prevented such a fever as this was. "Nay," said he, "he should have forced me to it, and not let me alone till I conformed." I excused the doctor, and wished he would consider, that he must know how averse he was to all medicinal regimen and physic, and if the doctor had obtruded any such, he must have expected an authoritative rebuke; "and he would have feared incurring thereby the loss of your good opinion." This, and such freedoms, he took in good part.

Our course was, in the morning, to attend his lordship in his chamber with merry entertainment while he was drinking his waters; and then, being up, we, that took the post of being his architects, fell to measuring, mapping, and debating about our projects concerning his gardens, buildings, and plantations: and I cannot pass by a diverting passage,—one Mr. Barber, a neighbour, observed how busy we were; and, coming near to us where his lordship stood, "You may measure and measure," said he, "but my lord is not such a fool as to be ruled by you." His lordship, who had scarce laughed since he came down, could not hold at that. But we were reconciled to him after that, at the table, he had told a fine lady that "he had known her a heart-breaker for above twenty years." It was very observable that our proceedings discovered plainly when his lordship thought well of himself, and when not; for, if he was in good heart, and thought he might recover, then he observed us narrowly, and would put in his oar, and like or dislike, joining in the very much altercation amongst us, as if he were a party concerned. But if he thought he could not get off, then he left us to ourselves, and made no inquiry, or question at all, upon what we were doing, and scarce would give attention when we showed him our draughts. I remember I had laid out the plantation of his avenue, which was a wretched

position; for the entrance was at one corner, and not in the straight. I had shaped a demilune before the court-gate, and at the farther end a whole sweep, with rows detached from that to the entrance. He put out my whole sweep, and ordered the rows of trees to be refracted that way. At which I was very angry, and declared that no architect was ever so used as I was. This pleased him much; and he very often made a jest to his company of this rant of his architect. These were harmless amusements, and beneficial to him, as much as any thing might be. After dinner, the coaches were usually got ready, and, with his nearest relations, among whom I was always one, he used to go to Edgehill to take the air: but I did not perceive any great goust he had in it; but it was advised, and that was enough. I once encouraged him to use the viol, and I would make a small concert to him, and he seemed to approve of the entertainment, which used to be his idol. I thereupon tuned up a lyra viol, and a violin, and, having got some agreeable compositions, to work we went. The doctor eyed us well, foreseeing what would follow; which was, that his lordship scarce touched above a lesson, before he laid down the instrument, saying, "He did not like that part, and the other he did not perform." He began to be much concerned about his chair, and not satisfied with any; but one, above the rest, which he used most, was privileged, and no

one else offered to use it; for, as sick as he was, he would suffer none to rise and give way for him. Thus, with various amusements, the heavy time, day after day, was got off hand, as well as with all the satisfaction to him that we could contrive. O what a difference between his own family, friends, and relations, and the court!

His lordship's good-humour decayed with his constitution.

One thing was very remarkable in this slow declining. All that was peculiarly good in his humour, left him. He concerned himself strangely about his œconomy, and the abuses of it, and every thing should be new-modelled, and his family reduced; and he, that was never so well as when his house and table were full, began to look upon us as inmates, and would needs go out, and take an account of his stables; and, coming into one that had four coach-horses in it, he asked whose stable that was? They told him, Mr. Foley's. (He was a brother-in-law, who with his wife, his lordship's sister, had been long in the family.) He had enough, and inquired no farther; only, as he returned, "Mr. Foley's?" said he; "Very fine, indeed!" But, with all this discourse of regulations, he ordered no one thing otherwise than before; and the same loose house-keeping went on. And this decay of good-humour, with his decay of strength, increased, to the last moment of his life; as will appear more express in the sequel. This may serve to demonstrate that

mortal sickness is not found to be a time apt for friendly charity and good-nature.

His method of settling his last will, which he signed and published.

About the latter end of August, Sir Dudley North and I were in the coach with him, taking the air; and he was pleased to say that he had a will by him, and divers codicils, which he had made to suit the emergencies in his family, as they had happened; and all these he would put into my hands, and I should frame them all into one entire form of a will, which he would publish, and the others should be revoked. This was the first word he spoke of any will; and none of us thought fit to mention any such thing to him. Next day he gave me his papers, and I made a draught, which he approved of, without the change of one word; for indeed I used no words but what were his own, saving for mere form. This will he directed to be wrote sheet-wise, and to be ready when he called for it; which was accordingly done. Now the late time of the year for water-drinking was come; and either the waters had not that virtue to dilute and inspirit his blood as before; or else the doctor, and his corresponding brethren in London, thought fit he should leave off drinking them; and, after that, he tumbled down apace. The doctor always used to shake his head at his urine, saying it was *similis sani*, or like to that of one that was well. But, now, it had a red cast, as if some drops of blood

were mixed with it; which was a sure prognostick of death approaching. Once his urine stood in his view as he lay in bed, and the doctor, frowning at the water, bid somebody take it away. "No, let it alone," said his lordship, "I know (or feel) more than that shows." When he was confined to his bed, he called for his will, which I brought; but he thought the sheets were too many and that he should not have strength to sign them all, and ordered one closer to be made; which I went about, and had done in less than half an hour; and, after it was read to him, and seals prepared, he signed every sheet, and published it. And "Now," said he, "I am at ease."

The religious administration to him. Dr. Radcliffe called in, and his lordship's death.

We had chaplains in the house, and constant prayers in a small chapel, morning and evening, for the family; as ought to be in every great man's house, to say nothing of the lesser: and, after his lordship was confined to his bed, so that he could not come to the chapel, the visitation services were used in his chamber, and, at length, he received the sacrament with his relations by him; and then he was in a very desperate way, not like to live many hours. It was the opinion of the people about him, and the doctor's desire (who was the most afflicted man in the world) that Dr. Radcliffe,* then in the neighbourhood,

* The celebrated physician and humourist, whose practice at this time was rapidly increasing.

should be called in; which was done, not that his friends expected any benefit, but to satisfy some of the living, who would not be convinced. The doctor came, and, by his lordship's bedside, he asked him, I am sure, no less than fifty questions; which was a great fatigue and trouble to him, and all that were in the room. The doctor had his fee, but not the ingenuity to say what he knew, viz. that there were no hopes, but talked of lungs being touched or not, which signified nothing. His lordship afterwards showed much discontent that he was not well attended; and if Sir Dudley North, or I, was absent, he called it slighting him; and we were indeed glad, sometimes, to escape, for half an hour to breathe. This confirmed the approach of death, of which the not caring to be left alone is a constant symptom. He began to agonize, and be convulsed, and, by virtue of the doctor's cordials, lived longer than was for his good. After some striving, he would lie down, and then get up again. He advised us not to mourn for him, yet commended an old maid-servant for her good will, that said, "As long as there is life, there is hope." At length, having strove a little to rise, he said, "It would not do;", and then, with patience and resignation, lay down for good and all, and expired, Sept. 1685.* And about five or six days after, his

* 5th September, see *ante*, vol. i. p. 8.

funerals were solemnized as he had directed by his will.

In a few hours after his lordship's eyes were closed, and his will known in the family, which appointed his brothers to be his executors, all the officers of the seal, then in the house, after having laid their wise heads together, came in a body to know what the pleasure of the executors was, touching the great seal; as if that had been a matter in danger of being overseen. The executors immediately ordered them all to be ready the next morning, to go along with it to Windsor, where the king then was; and the state equipage being made ready for the executors themselves, they took the strong box, in which the seal was kept, and that inclosed in a silk bag, which was also sealed with his lordship's seal. Such a sacred thing is that pestiferous lump of metal! The same night the executors arrived, they waited upon the king, who said, "He heard that his lordship was much mended." The seal was delivered in the bag (sealed) into the king's own hand, who took the bag, and asked if there was never a purse (of state), and it was answered that none was brought down. The king said no more to them; whereupon the executors retired; and, as had been long before projected, the great seal was put into the Lord Jeffries's hands, with the style of Lord High

His lordship's executors carried the great seal, and gave it into the king's hands at Windsor, who delivered it to the Lord Chancellor Jeffries.

Chancellor of England. And what effect that transition had upon the state and welfare of England, let the succeeding times speak.

Disposition of his penny post letters. Would not have the writs bear date *apud Wroxton.*

His lordship used to be continually pestered with penny post letters, impertinent, and fastidious to read over. Against this disease he found an effectual remedy; which was by appointing all such letters to be carried to the faithfullest of his servants, and seal-bearer; and ordering him to open and read them, and thereupon to judge if they were fit for him to see, and then show, else to burn them. This immediately put a stop to that evil. It had been usual, heretofore, for all writs to bear test where the lord keeper resided, though the king was not there; which was looked upon as a mark of honour to their families upon record. But his lordship, thinking it a mere vanity, ordered none to bear test *apud Wroxton*, but *apud Westmonasterium* only.

His lordship eager for the study of records.

His lordship became extremely fond of the public records, and promoted the study and inspection of them all he could. At the beginning of his business, he had no means of application that way. The books of the law were the field from whence his harvest accrued: and the learning of records is speculative, and tends to the accomplishment of a lawyer, more than his direct profit. But it is a most reasonable ambition, and was first seen in Mr. Noy. The Lord Coke took a little that way;

but his skill was more pedantic than penetrant. Afterwards, a set of men grew up, who addicted themselves to that study with less ostentation; as Rolls,* Windham, Jones, Glin,† and Hales; more especially the latter.‡ When his lordship began to be at ease in his seat of chief justice, he looked earnestly that way, but had not a full accommodation till he had the great seal; and then, by means of his authority, he could command copies of what he thought fit; and accordingly, he had procured all the rolls of parliament, and was proceeding with the journals of the House of Lords, and indexes of the various sorts, that he might send for what he had a mind to consult. He could not pursue this study before he was made chief justice, because, when attorney-general, all his time was devoured by the king's business, and a mountainous practice in Westminster-hall and elsewhere. But, from that time, he dated a sort of liberty, in which state he might enjoy himself, by pursuing subjects as his fancy prompted; and towards the end of his law, and the beginning of equity, he scarce minded, seriously, any thing else; and, from dealing

* Henry Rolle, appointed chief justice of the Upper Bench by the parliament in 1648; surrendered his office in May 1655.

† John Glynn, appointed chief justice of the Upper Bench in 1656.

‡ Even while a student, Sir M. Hale "was very diligent in searching records."—(*Life by Burnet*, p. 11.)

with books and epitomes, such as Ryley and Cotton, &c. he came to the records themselves, especially those of the parliament; and he had no sooner a power to command the officers, but he obliged them to transcribe for him all those which are properly called "the Records of Parliament;" which compose about fifteen volumes in folio. Those were brought him, attested by the officer: and he continually called for more; whereof the sheets, which make up a great part of another volume, were left by him not complete. When a question bore upon the records of any sort, he always had true copies brought him; for he did not settle in himself any opinion, till he had viewed the original authority. He was procuring all the journal-books of the House of Lords (which began about Hen. VIII. when statute rolls entered) and had some volumes complete.* And all these compacted volumes now remain with the Lord Guilford. As for the journal-books, he immediately made his chaplain make extracts of them under heads, that he might have a ready recourse to speeches, addresses, answers, &c. But the old records were French, too hard for them; and those he intended to abstract, or rather epitomise, with

* The expense of procuring these transcripts was very great at this period. Evelyn tells us that Lord Essex assured him that the transcribing and binding of the parliament rolls and journals had cost him 500*l.*—(*Memoirs*, vol. i. p. 486.)

his own hand, and had made a beginning. It appears that he had designed, out of those, and all other our records and histories, to remark the various contemporary acts, and to note his own observations of the times as he went along. And, as a fruit of this study, he had begun to compose a history of parliaments. And I cannot but lament that it was not completed. He found that the factious lawyers, and particularly Mr. P. Foley,* were very busy in ferreting the musty old repositories, with design to produce in parliament what they thought fit, to the prejudice of the crown and its just prerogatives. And they accordingly did so; for they conferred with the bellwethers of the party in the House of Commons, and frequently alleged passages in the records of parliament, and certain exotic cases, extracted chiefly from those in irregular times, when the crown had been distressed and imposed upon; and done, not only partially, but often untruly, and always defective. By which means they sustained their anti-monarchic insinuations and pamphlets. The other party were not so well able to deal with them at these weapons, because they were not so industrious. His lordship, upon good information, taken partly from some of

* Mr. Paul Foley, called by Burnet "a learned, but not a practising lawyer; a man of virtue and good principles, but morose and wilful."—(*Own Time*, vol. iv. p. 208.) He was chosen speaker of the House of Commons in 1695.

their own collections, and from Mr. Ryley's Placit. Parl. and Sir Robert Cotton's Abridgment, and other opportunities, was clearly of opinion that a public view of all the records of state and parliament would be for the advantage of the monarchy; for what these gentlemen produced was partial, and mistated; and the same, set entirely in open view, would have another tenor and effect. Therefore he was clearly of opinion that the whole should be made public in print: and, by that, the crown would have more justice; for men, who had been imposed on, and had credited the others, having access to the books of the records, might rightly inform themselves, by means of their application and study, which they could not do by searching the offices; a drudgery for which only a few are competent. And, pursuant to this design, his lordship actually began to put the huge mass into some order and method, to be proposed to undertakers, who were to have encouragements that might invite them. But this work required long and quiet times; neither of which fell to his lordship's share after he had the great seal, by which only he was capable of forwarding the work.

His lordship easy as to public trusts on his part. And the state of

His lordship's ministry under King James II. was less difficult, but more mortifying, than under King Charles II.; for, then, all the weight of forms and legalities, and, consequently, the warding against cavil and captiousness, lay upon him.

He was relied upon, and, being obnoxious to all dissenting parties, must act at his peril. But now, as he was a person determined to be laid aside, he was not relied upon in any thing, but was truly a seal keeper, rather than a minister of state, and kept on for dispatch of the formularies, rather than for advice, or trust. It was well known that he would not put the seals to any commissions to persons unqualifiable, with a *non obstante* to the test laws; and, for that reason, none such were brought to him; but, after he was gone, his successor (by antecedent compact, as was supposed) passed all. His lordship was so ill used at court by the Earl of Sunderland, Jeffries, and their sub-sycophants, that I am persuaded, if he had had less pride of heart, he had been tempted to have delivered up the seal in full health. But he cared not to gratify, by that, such disingenuous enemies. Another weightier reason kept him in awe as to that; which was point of honour: for he would not willingly have cast such a public reflection upon his royal master, and his government, as the desperate *innuendo* of such an action had been. He intended to stay till the king would bear him no longer, and then make it his majesty's own act to remove him. His lordship owed his first promotion, by being made the king's counsel at law, to the favour of his majesty when Duke of York; and, in the whole course of

his dependance on the king.

his rising, the duke was his friend: and, at this time, amongst such a circle of sycophants as were about the king, without a singular tenderness of his majesty towards him, he must needs have been disgraced over and over. But the king believed him to be an honest man, and always a friend to his succession, and to the monarchy itself, and of ability to make good all his undertakings; that his learning and elocution, as also his exquisite caution, as well as his readiness at foresight and defence, made him an admirable minister. What he thought, or did, adverse to the king's purposes, was indulged upon account it was his real opinion, and, being an honest man, he could not do otherwise. But, besides all this, what, in a particular manner, supported him, was his credit among the loyalists; which was so great that, to part with him abruptly, and (as intended) to make way for such a one as Jeffries, would make no slight shock in men's minds; and, as the situation of his affairs was, in that recent administration of the public, would turn to no good account. The attorney and solicitor-general were shaped out already, to serve any turn of projection for applying the great seal; and Jeffries at hand, if he could, by all his arts and rudenesses, make his lordship resign, or be turned out, then to seize his post. And herein his lordship esteemed he had a protection, and

said, that if any thing made him the least desirous not to quit the seal, it was that, by parting, he might not gratify those who indecently, or for pestilent aims, sought it. But it is an ill game that hath not one trump. The Lord Rochester, who now had the treasurer's staff, desired by all means to keep his lordship in place, because his skill, credit, and authority served, by way of screen, to divert divers malign influences from falling upon him, and what pains he took therein will appear afterwards. No enemy at court ever ventured to charge him with any immorality. I do not know that, in all his life, he swore an oath. But littleness and incapacity was the worst they said, or (in that region) endeavoured to have thought of him. His opposing the innovations of the popish party was out of principle, as what he thought best for king and people. But he was never officious to torment them, or make them uneasy, if they would live at peace and be'at quiet; and his engagements against them were all defensive. The king knew all this, and therefore was as tender of affronting him, as he was of disobliging his majesty, or putting it in the power of any one to say he ever did an undutiful, or ungrateful act; much less flying in his majesty's face, taking part with his enemies, as certainly had been the court language of him, if he had delivered

up the seals in full health. And upon these terms, as I take it, hung the great affair of the lord keeper's holding, or going out, in that reign.

How his lordship behaved himself with respect to innovations; and his prophetic advice to the king.

But not to part with his lordship without a due account of his nearer comportment with his majesty upon the subject of the new methods which his lordship saw to be furiously entering at court; which account being, not only for his vindication, but for his lasting honour, I must observe, that Monmouth's landing gave too fair an occasion for the king's raising forces to suppress that rebellion, as was happily done. But afterwards, the king, partly from his own humour, which might affect other braveries, and partly from the fears, and consequently, treachery of his ministers, who thought themselves not safe in what they had done, or intended to do, but upon the foot of force, kept up the army, although there appeared no real occasion, or reason, for so doing.* This created discontent enough; but, what was worse, the king gave his commissions to persons unqualified by law, and then expected the parliament should sanctify all; which did not prove accordingly, as was showed before. This was looked upon as a forerunner of the setting aside the test and penal laws. And his lordship was not so short-sighted, but foresaw not only that this current, though

* See the king's speech. (*Chandler's Parliamentary Debates,* vol. ii. p. 180.)

beginning afar off (for military commissions do not pass the great seal), yet, in the end, would overflow him, but also that, upon the main, it would bring a confusion fatal to our happy constitution in church and state, and for certain destroy the king. This was a subject melancholy enough for him, and void of all hopes or consolation. For he knew the king's humour, and that nothing that he could say to him, would take place, or sink with him. So strong were his prejudices, and so feeble his genius, that he took none to have any right understanding, that were not in his measures, and that the counsel, given him to the contrary, was for policy of party more than for friendship to him. But, for all that, his lordship, in this difficult case, was resolved, once for all, to be plain and explicit with him, and so (at least) satisfy his own conscience. And once, getting an audience, he took occasion to declare to him all his prognostics, depending upon his majesty's declining the test and penal laws, and that with no less zeal, sincerity, and tenderness, than if he had been a parent. "He minded him of the uncon-
"trollable influence of an universal discontent;
"that no branch of his affairs, especially those of
"his colligible revenues, would move with any
"content to him. People would go on continually
"exaggerating each other's discontents, and mu-
"tual encouragements would take place therein,

"and among persons that should appear fair to "him, and neither he, nor any of his ministers, "would discover any such their secret practices "and engagements; and if there happened any "advantage to cover attempts, all would break "out in a flame, as if a mine fired under him. "And although the Duke of Monmouth was gone, "yet there was a P. of O. on the other side of the "water. And as to his army, his lordship said "that, upon an universal discontent, he would find "it a broken reed, that the people would grow "upon it, or wear it out by their intermixed con- "versation. Men naturally fall in with parties "and their interests among whom they live, and "they will not bear the reproaches of their women "and pot-companions, without falling into harmo- "ny with them. That it was utterly impossible "to bring the people to a reconciliation with his "persuasion; and that the more they were urged, "or even showed it, the worse they would be. And "that the sectaries were false and treacherous, "and would infallibly, at a pinch, whatever coun- "tenances they showed him to the contrary, not "only desert his party, but turn against him; for "they never were, nor would be friends, really, "to the royal family, and their peculiar way and "means of working was by fraud." I can, with great assurance, affirm the substance of this free discourse to the king to have been really so made

as I have represented: for his lordship hath often said to me, that, whatever happened, he would do it, and would have it in his power to say to himself, at the hour of his death, that he had done his duty to the king and his country. And after he returned from court, he told me he had done accordingly; although, as well before as since, he thought it signified nothing. And he seemed very much at ease within himself; having thus declared his thoughts at large, and freely to the king; and, at times, he mentioned to me the several matters he had spoke of to him. And, according to his custom of noting things, he set them down upon papers, from whence I have taken them, and have inserted them elsewhere. There is an obscure cast upon them there; for his lordship had always that caution in his writing, to secure that to whose hands soever his papers came, there could be no public nor private offence taken, but a little attentiveness to the manner of these notes, will discover what they are.

Apology for the late account of these devices.

Perhaps some of these prophetic hints, given by way of advice to the king by his lordship, being now penned by me so long after, may look a little like poor Robin's method of taking time to foretel things, until after the event is past. So conformable may they seem with what happened. And, to say truth, I almost distrust my own pen, lest my unhappiness of having known the events,

should infect my expression with a cleverness derived thereupon. And, if allowances must be made me on that account, which I profess not to crave, I hope they will not be thought very large, by reason of what I shall say for myself. Barring the unavoidable defects of memory, which will let go the niceties of words and terms, and so oblige us to take up with things, as in effect they remain in mind, I must here protest an untainted integrity, and that what I have related is true. But I am not in a state to rely altogether upon observations; for divers of his intimate friends (I do not name any, because I suspect most of them are dead) were so far intrusted in discourse, as to be made acquainted with his lordship's submissive but dutiful counsel to the king, not to break the laws for the sake of any innovation; and, particularly, that item of prodigious import, viz. that "although Monmouth was suppressed, there was a P. of O. abroad."

His lordship sunk under the immense weight of his office, and the ill prospect he had.

But to drop these apologetics, and conclude, I shall freely subjoin my sentiments of the very root of his lordship's distemper, and the cause that rendered it inapt to be cured, and therefore mortal. And that was, in a word, his laying things to heart. The business of his office was too great for one who thought he was bound to do it all well. As to the part of his justice in the court of Chancery, I have said enough. That

load, though heavy, was not insupportable. It afflicted his spirits, but did not crush them. If the business of the court, by reason of necessary attendances in other places, ran in arrear, he might hope for more enlargement of his time to recover it. But, considering what was added from the ill state of the public, for which he thought himself, in great measure, obliged to answer, or to feel the ill consequences, he saw plainly that he must either disgrace himself by quitting, the very thoughts of which flew in his face, as a desertion of his royal master, and benefactor, in distress; and what, at court, would be expressed in the terms of flying in his majesty's face; for when a minister, in so great credit, quits, it amounts to a public accusation, and declares he could serve honestly no longer; or else he must stay until he should be pressed, as he continually expected, to pass some of the illegal commissions, which he was determined not to do, and, upon that, be removed, with the foul language of the then court, for sauce to it. He had been happy if he could have got clearly off, without any of these trials: and it was not a little uneasy to him that, in the interim of these expectations, the courtiers conspired, by ridiculous slights, affronts, base experiments and buffooneries, to grieve and torment him, with design either to bring him into their guilty measures, or else to

make him withdraw himself out of their way; which, without better reason than to gratify them, he had no mind to do. And he so far restrained himself, and his resentments, from the public, which seldom or never takes such matters by the right handles, that whatever machinations, or inventions, were set on foot purposely to diminish him, though he knew out of what shop they came, yet he never maintained any open feud, or party, on his own account, or either expostulated abroad, or troubled the king in private. All which ill usage lay burning in his most sensible breast. And, adding thereunto that he saw no dawning of any good to his master, the nation, or himself, he lived in a state of judicious despair; and then no wonder that a distemper, otherwise of an ordinary crisis, got the better of him, or, more directly, that his heart was broke.

His lordship not qualified for the latter time; yet left the world in the best circumstances.

I have elsewhere noted that his lordship should say that he had not enjoyed one moment of comfort in his life, from the first commitment of that pestilent seal to him. If there was no ease under it at first, it must needs be Hell at last. He wanted a good general apathy: and that one may break into two qualifications necessary to an overcharged minister of state. 1. As to himself, equanimity. 2. As to all others, indifference. 1. The former sounds a little philosophic, and means a carelessness of events, and the being no more concerned at

what may happen to him, than at the weather, or any thing else, that is out of his power. 2. As to others, the case is not very commendable; for it supposeth one to be wholly unconcerned in the questions of right and wrong, not caring who is injured, or suffers, or who gets or loses, how, when, or why; and, in office, to be without compassion, as a butcher that kills and slays habitually, without remorse; nor to let any pleasure, or advantage, be frustrate, or sleep broke, for what men call duty, and making no account of good or evil, but what self-enjoyment, or interest, shall denominate. These qualifications, supposing them to be so necessary as, in some times, they are, show how little qualified an honest, wise man, and a good Christian, is for this great employment, in ill-natured and perverse times.

Got to be made a baron, how and why.

His lordship had been sensible that he was obnoxious to danger, of his person and family, between two great parties, papist and fanatic: neither of whom he had complied with, but resisted in all their projects calculated for making alterations in church and state: and if an unlucky turn should give the public a toss into the hands of either of them, what then must become of him? He looked upon the papist interest in England (at the beginning at least) to be less inhuman and barbarous than the republicans and sectaries; yet he would not be exposed to them, although he had not

officiously hurt any of them. But, from the others, he expected no moderation, who had exercised him with loud threatenings for several years, and would have been glad to be as good as their words. And he did not rely upon retirement to render him secure from the malice of those men; and his interest lay chiefly in that they called the church of England party, who might have enough to do to defend themselves; and, considering their easiness, and aptitude to be imposed on, and that they either hide (as I may term it) or flow along with the current, no dependence, in bad times, was to be expected upon them. Therefore his lordship resolved to get into the peerage as soon as he could, and enjoy the ordinary privileges and protection of that order. And that he did it not for vanity, or puff, appears by his unaffectedness in the preamble of his patent. The common custom, about preambles to patents of honour, (which patents are prepared by Mr. Attorney-General in all points except the preamble, which is left to the order of the person to be prepared) is to employ some chaplain, or rhetorical scholar, who is set on work to pump hard for eulogiums, and, by dint of eloquence, to varnish out his majesty's gracious act. But his lordship, nauseating all such fulsome self-flatteries, which, like commendatory epitaphs, are accounted no better than solemn lying, would have none but a common preamble, as that monarchs

use to reward persons, who had served faithfully and well, with marks of honour, or the like; which service his lordship might modestly own. His chief doubt was how he might decently apply to the king; and that ended in a resolution to beg it, as a boon, of the Duke of York to recommend him. This some thought improper, with respect to his not complying with the Papists. But his lordship believed that the duke thought him an honest man, and was really his friend: and so it proved; for the duke took kindly his lordship's request, and, without hesitation or delay, moved the king, and it was as soon granted. Another doubt that he had, was about the title; for he would not fix it upon any of his possessions, because it looked as a vanity; nor upon any place, which was in the style of any other honour, nor on any new one, which had not been, in some past time, used as a title. At last he settled it upon Guilford, which had belonged to his friend the Duke of Lauderdale,* and was, by his death, extinct. The duchess was then living, and he had her approval of it; and many fancied he courted her in the way of marriage, and that this was one of his compliments. He was aware of such rumours; but valued them as little, as he intended, thereby, any such courtship. And although (if he had asked) it might

* Lauderdale was created Earl of Guilford in 1674.

have been an earldom, he made a barony his choice, since he did not seek the honour for vanity, but for a real protection. And he was infinitely satisfied that he had made no other means but by the duke; which if he had not done, but gone by himself, or any other way, it had proved a real offence, and had been aggravated as a slight put upon his royal highness.

When young, not slandered, and not covetous.

I shall not take upon me to give a summary character of this great man, till I have wiped off some calumnies that have been cast upon him, and shown some particular instances of his excellent qualifications in the several parts of life, which I could not conveniently insert in the body of this work, in order to demonstrate him to have been a wise and just man, and a good Christian. Slander is like the fish called the remora, which, sticking to the helms of great ships, disorders the steerage. Ordinary persons are obnoxious to slander; but, for the most part, it is frivolous, slightly regarded, and turns to merriment. But, when applied to great men and ministers of state, it disturbs the course of affairs, and the whole government feels it. When he was young, and passed his time in study, and the early practice of the law, he fell under no person's evil tongue (except some of his nearest relations, as has been touched already) and no fraud, misdemeanour, or vice, could be laid to his charge; but he was

esteemed a person of the greatest hopes of any of his profession. And as to his general character, then and afterwards, some fancied he was inclined to avarice; but they knew not his circumstances, nor his humour. At first he lived in a course of shifting with a little, as I may style it, when he was to buy the way into a settlement fit for the business he aimed at. And one, that hath neither fund nor friend, whereby debts, if any were contracted, might be paid, as many, of his rank, have, hath reason to be careful. But it often happens that extravagant, rakish people, if one upon a level with them doth not spend his money in their wild way, think him covetous. His lordship kept always a reasonable, and select, company, and never was what they call a company keeper. But, with his friends, was liberal and free, and, in paying reckonings, and other seasonable bounties, none more free than he was. Of which, instances will be produced hereafter. After he came to make a figure, there are witnesses enough of his generous way of living. So that whoever hath imputed avarice to him, hath been altogether out of the way of right judgment. The faction never applied heartily to calumniate his lordship, until he was touched in parliament. And from that time forwards, all the party artillery of foul mouths were pointed at him; and the Earl of Sunderland marched at the head of them, who

commonly gave out the signal. His lordship's virtuous course of life was a vile obstacle; and slanders, on that head, would not stick. But I shall show some snares laid to catch him. In the mean time, vilifications plenty. Those were at their tongue's end. He was neither courtier nor lawyer; which his lordship hearing, he smiled, saying, "That they might well make him a whoremaster, when they had dislawyered him." And to show their intent of fixing some scandal and contempt upon him, I shall allege a ridiculous instance or two. His lordship's brother-in-law, more than once named in these papers, came to him seriously with advice; which was, that he should keep a whore, and that, if he did not, he would lose all his interest at court; for he understood from very great men (the Earl of Sunderland and his gamesters, I suppose) that he was ill looked upon for want of doing so, because he seemed continually to reprehend them for practising the like, as almost every one did; and, if his lordship pleased, he would help him to one. His lordship was, in his mind, full of scorn at this proffer, which the messenger did not penetrate; and it was enough to decline the counsel, and not accept of his assistance. And, with his nearest friends, he made wonderful merry with this state policy, especially the procuring part; and said, "That if he were to entertain a madam, it should be one of

his own choosing, and not one of their stale trumpery." But his lordship had deeper reflections, that, besides the sullying his character, if he had such a snake in his bed, they would find a way to come, by her, into his most retired intentions. For the courtiers knew the use that, in politics, might be made of the fair ladies, whom they could charm better than his lordship; and no spy like a female.

A treacherous handle held forth and repulsed.

When these pointed darts would not lay hold, they were contented to throw dirt; as appears from what they inserted in a newspaper, of his lordship's behaviour in the Western circuit; a full account of which may be found in the Examen.* And whoever looks into that time, will find a strange tendency to split the laws against those who do not go to church; that is to say, Recusants. And some votes of the House of Commons looked that way; as if it were a grievance that those laws were made to extend to sectaries, who are softly styled Protestant Dissenters; such as Presbyterians, Quakers, Anabaptists, &c. But the judges, as his lordship in particular, and Justice Jones (who, though absent at Taunton, desired to be comprised in the advertisement) had not such

* *Examen*, p. 364. The chief justice was represented to have declared, that the king would have a regard to tender consciences—a declaration which, of course, would be construed in favour of the Catholics.

a notion of law as, for any body's humour, to treat plain words and expressions, as a nose of wax, to bend one way or other to gratify parties. But the charge given by the earl, as secretary, to the judges to that effect, was an *ignis fatuus*, or will in the wisp, of the faction, concerted to mislead, at least, with showing a feint of indemnity, to seduce them.

Calumny kept under till the reign of James II. when it began to rage.

I have elsewhere noted that, during the reign of King Charles II. calumny against his lordship, at court, was kept under; for he would not suffer his mimics to fool with the persons of his ministers that he had a value for. But, in the next reign, when the Roman Catholic designs began to work, and his lordship was found utterly unfit for their purposes, and the court instruments, of which the Earl of Sunderland was the chief, were employed to shake him off, that the Lord Jeffries might come on, then the reins were let loose to calumny; and when no misdemeanour could be found to harp upon, they fell, like foolish clowns, to call names, as they say; and no scruple was made to vilify him, as the unfittest man that ever sat in his place: partial, passionate, unreasonable, impotent, corrupt, arbitrary, popish, and ignorant. Any thing to make him avoid the room. But his lordship cared not to humour these barkers, or to quit his place, till he might do it with salvo to his dignity.

To show that his lordship's court enemies, the Earl of Sunderland in particular, were hard put to it to find, or invent, something to report, tending to the diminution of his character, I shall give an account of the most impudent buffoon lie raised upon him, and, with brazen affirmations of truth to it, dispersed from the court one morning, that ever came into fools' heads; and Satan himself would not have owned it for his legitimate issue. It fell out thus: a merchant, of Sir Dudley North's acquaintance, had brought over an enormous rhinoceros, to be sold to show-men for profit.* It is a noble beast, wonderfully armed by nature for offence; but more for defence, being covered with impenetrable shields, which no weapon would make any impression upon; and a rarity so great, that few men, in our country, have, in their whole lives, opportunity to see so singular an animal. This merchant told Sir Dudley North, that if he, with a friend or two, had a mind to see it, they might take the opportunity at his house, before it was sold. Hereupon Sir Dudley North proposed to his brother, the lord keeper, to go with him upon this expedition; which he did, and came away exceedingly satisfied with the curiosity he had seen. But whether he was dog-

The foolish lie of the rhinoceros. His lordship much roiled at it.

* This was the first rhinoceros ever brought into England, and was sold for an enormous sum of money—Evelyn tells us upwards of 2000*l.* (*Memoirs*, vol. i. p. 539.)

ged, to find out where he and his brother housed in the city, or flying fame carried an account of the voyage to court, I know not; but it is certain that, the very next morning, a bruit went from thence all over the town, and (as factious reports use to run) in a very short time, viz. that his lordship rode upon the rhinoceros; than which a more infantine exploit could not have been fastened upon him. And most people were struck with amazement at it; and divers ran here and there to find out whether it was true or no. And soon after dinner, some lords and others came to his lordship to know the truth from himself; for the setters of the lie affirmed it positively, as of their own knowledge. That did not give his lordship much disturbance; for he expected no better from his adversaries. But that his friends, intelligent persons, who must know him to be far from guilty of any childish levity, should believe it, was what roiled him extremely; and much more, when they had the face to come to him to know if it were true. I never saw him in such a rage, and to lay about him with affronts (which he keenly bestowed upon the minor courtiers that came on that errand) as then; for he sent them away with fleas in their ear. And he was seriously angry with his own brother Sir Dudley North, because he did not contradict the lie in sudden and direct terms; but laughed, as taking

the question put to him for a banter, till, by iterations, he was brought to it. For some lords came, and because they seemed to attribute somewhat to the avowed positiveness of the reporters, he rather chose to send for his brother to attest, than to impose his bare denial. And so it passed; and the noble earl, with Jeffries, and others of that crew, made merry, and never blushed at the lie of their own making; but valued themselves upon it, as a very good jest.

Pamphlets could find no subject for calumny.

I know not any thing, that came out in public, of calumny against his lordship in his life-time, worth taking notice of, more than hath been hinted. His justice was so exact, and course of life so unexceptionable, that the libellers had no subject to make any work with. The vilest of them, in all three, entitled, "The no Protestant Plots," published to waylay the course of justice against traitors, and cunningly contrived for that purpose, if any thing had been known to discredit his lordship's character, had there displayed it. But the worst that the author could contrive, was to call him Slyboots; and a younger brother, that usually went about with him, young North. There's all, while living; but, since his death, the press hath been more free.

Denied a writ for a bill of exceptions, in the rioters' case.

And, since that time, some particular matters were muttered about, without, as well as within St. Stephen's walls; as if he had not therein done

his duty, as lord keeper of the great seal; which, though it never rose to any accusation, or public censure, I think may be aptly taken in here. One was, that his lordship refused to put the seal to a mandatory writ, directed to the Lord Chief Justice Saunders, to sign a bill of exceptions tendered to him at the trial of the rioters in London. The information was for the riotous fact of the old sheriffs holding a common hall, and pretending to elect new sheriffs, after the assembly was dissolved by the lord mayor. At the trial, the defendants urged, as hath been related in the Examen, that the lord mayor had no power to dissolve the common-hall; which point the Lord Chief Justice Saunders overruled, as a vain and empty pretence, and utterly against law. Upon that, the bill of exceptions to the opinion of the judges was tendered, which he refused to sign. After the trial was over, they came to his lordship for a petition for a writ, and suggested a form of it express in the register. Upon examination, his lordship found that that precedent was of a writ to the sheriff, who is, in some cases, a judge; but is also a ministerial officer, to whom mandatory writs may fitly be directed. But it follows not from thence that they may be directed to the judges of the courts in Westminster-hall. And what process can be upon it? There is no form of any attachments, nor precedent of any like process to follow.

And the penalty in the form, is only— " on pain that shall fall thereon :" which shows it to be a mere writ of favour, where it might be granted. But there never was any such, to the knowledge of any man living, sent out; and thereupon, in this case, it was denied. These matters were thus pressed, not because there was any right or sense in them, but by way of coals to be blown up for exasperating the fire when time should serve. It may not pass that the Chief Justice Saunders was in the wrong for refusing the signing; but the chicane upon that point of law, which was most clearly with him, is too tedious to be inserted here.

A writ of error for Armstrong denied, and the reasons.

Of a like nature with this, was another application to the great seal for a fiat that a writ of error might issue to reverse an outlawry against Sir Thomas Armstrong. The law is, that if a man, outlawed for high treason, renders himself within a year, he may have the benefit of a writ of error to reverse the outlawry, and so take his trial; otherwise not: and an outlawry, in such case, while it stands, is a complete attainder, as if tried and attaint by verdict and judgment.* Arm-

* For an account of the proceedings against Sir T. Armstrong in the King's Bench, see *Howell's State Trials*, vol. x. p. 106. " When Armstrong insisted that he asked nothing but the law, Jeffries, in his brutal way, said, 'he should have it to the full;' and so ordered his execution within six days." (*Burnet*, p. 997.)

strong fled into Holland, and was outlawed for the Rye plot treason. Afterwards, within the year, he was taken up in Holland, and brought into England, and, being opposed as to what he had to say for himself why execution should not be awarded, he insisted that, being present here within his year, he ought to have a writ of error, and be admitted to plead. But the judges were of opinion that being brought in by force, against his will, was not a rendering himself within the statute; and thereupon he was executed.* Pending the question, application was made to his lordship for a writ of error;† and, examining into the matter, his lordship found that writs of error, to reverse outlawries in treason, had never been made out without a warrant from the attorney-general; for it is not a writ of right, but of favour: and it could not be

* See Johnson's case, (2 *Strange's Rep.* 824,) in which the same objection was taken, and Armstrong's case cited; "but the court seemed very unwilling to hear any thing of that case, saying it was very hard, when the law had given a man a year to come in, that, by taking him up before the year was out, the benefit of that law should be taken from him."

† "The same day also Sir T. Armstrong's daughter petitioned the court of King's Bench, that her father might have a writ of error allowed him to reverse his outlawry, and so come to trial; but the court told them this was no proper place to move in; they must go into the Chancery for it:—but there they had been before, and the lord keeper was pleased to deny it." (*Luttrel's Brief Historical Relation, &c.* MS., cited in *Howell's State Trials*, vol. x. p. 109.)

demanded at the great seal otherwise; nor had the seal a warrant without a fiat from the attorney-general. But besides, the matter of right depended before the justices of oyer and terminer; and the writ would follow, or not, upon their determination: for which reason, it was impertinent to come to the great seal about it. But then, and afterwards, a clamour was raised and ventilated abroad, as if the man had been hanged for want of a piece of common justice at the great seal; and, after the revolution, divers warm members began to open about it. For which reason a paper was framed, and put into the hands of some members, wherein it was thought fit to represent farther, that, 1. It is the office of the cursitor to make out writs of error in criminal cases, when the usual and proper warrants are brought to them. And the lord keeper's fiat never was, and, in that case, would not have been a warrant to the cursitor for such writ. Wherefore the refusal of it lay not upon the lord keeper. 2. The application to the great seal for special writs must be either by motion in open court, or by petition; which being granted, a fiat is wrote and signed upon it; and that remains in the offices, and is the warrant for farther proceeding: else, it is delivered out unanswered; which is the refusal to grant what is desired in the petition. And no such application was ever made in that case. 3. An oral

application, in private, is not to be regarded, because there is no certainty of what is either asked or denied. Business, of that kind, is not trusted to memory; but must be in writing, because the lord keeper is not to solicit any man's suit at his instance. He may direct if he thinks fit, but is not bound. Suitors must follow in the proper offices; and it was never heard that such suit was made to the lord keeper, but from the person whose case it is. There was reason to endeavour a right understanding at that time, when committees, of both houses apart, were appointed to inquire into the foregoing proceedings. That of the House of Lords was called "The Committee of Murther." But, after all methods of inquiry that could be taken upon oath or otherwise, no blame was found in any judge or minister in the time of King Charles II. Which, as has been touched already, is a vindication that few ages, put to such a trial, could hope for.

A present of the six clerks to his lordship misconstrued.

One thing more is to be remembered, which was talked in coffee-houses concerning his lordship; but by those only who were the culpables. The six clerks have great dependence on the course of the court of Chancery for their profits; and are always disposed to keep the judge in good humour, and prevent alterations to their prejudice. And the judges of all the courts make no scruple to accept of presents of value from the officers by

way of new-year's-gift, or otherwise: which is a practice not very commendable, because, with some, it may have bad effects.* Accordingly these six clerks clubbed, and made a present to his lordship of 1000*l.* which he took as an instance of their respect, without regard to, or knowledge of, any other design or intention of theirs. But, soon after this, they began to fall out with the sixty under-clerks, and pretended to remove them at pleasure, being their substitutes, for whom they were to answer, as masters turn servants away whom they can trust no longer. The sixty, on the other side, stood upon it, that they bought and paid for their seats, and were sworn into their places; and however they were subject and accountable to the six, they were not at their mercy, to be removed, without the authority of the court. The six thought fit to put in practice their own authority, and began with one Sewel, a clerk, one of the sixty, and ordered him out of his seat, and (as I remember) gave it to another. This produced a petition of this Sewel to his lordship, praying to be restored, and the rest of the sixty confirmed in their places; of which decree the

* This practice was abolished by Lord Cowper on his being made Chancellor. The gifts had grown so considerable as to amount to 1500*l. per annum.* (*Burnet's Own Time,* vol. v. p. 872.) Ambrose Phillips alludes to Lord Cowper's conduct on this occasion, in the "Ode on his Death."

justice is unexceptionable. It is no wonder that the six were infinitely disgusted; for, if they had any bad design, as it seems plain they had, viz. of adding sixty to their six, they had their reward. I am firmly persuaded that his lordship knew nothing of it till the cause, upon the petition, came before him; and, if he had known of it before, he had not accepted their kindness, and that afterwards he repented him of it. And, of all the actions of his life, this came nearest to a colourable misconstruction. Nay, there is no other capable of any. And I guess that, although I have here related it undisguised, and out of my personal knowledge, many will incline to take it in the worse sense, and as being a plain bribe, though the consequence flies in the face of it: and, for that reason, many would have left out this whole passage, so singular as it is; but professing, as I do, to render every action of his lordship conspicuous, I could not acquit myself to deal so with this, which would have manifestly tainted all I have showed for his lordship's advantage.

An early virtuoso.

I have now done with all that appeared, or could appear, of diminution to the reputation, true or false, which his lordship, by his steady course of life, before his parting with the world, had acquired. I shall now, pursuant to my design, show by many particular instances, how much he shined in every part of life. I have already

hinted that his profession of the law did not prevent his entering into other kinds of learning, and particularly natural knowledge. His lordship was an early virtuoso; for after his first loose from the university, where the new philosophy was then but just entering, by his perpetual inquisitiveness, and such books as he could procure, he became no ordinary connoisseur in the sciences, so far as the invention and industry of the then latter critics had advanced them. And the same course he pursued, more or less, all the rest of his life; whereby all discoveries at home, and from abroad, came to his notice, and he would have been loth to have let any escape him.

Character of Sir John Hoskins.

His lordship had great pleasure in the society of that very good master in chancery, Sir John Hoskins,* who was a proof experimental that that office might be executed with integrity. Their chief enjoyment of each other was early, when his lordship began to be eminent in practice, and the other had some aspect towards the law. But his chief, or rather entire, application was to philosophy and experiments. And therein he became so far an adept, that, being one of the Royal Society, he was at last advanced to be their president.

* "A most learned virtuoso, as well as lawyer," (*Evelyn's Memoirs*, vol. i. p. 513.) "He was," says Granger, "a man of irreproachable character: more inclined to the study of the new philosophy than to follow the law." (vol. iii. p. 371.)

This resignation to philosophic studies spoiled the lawyer; but made an accomplished good companion, especially to one who delighted in those matters as much as himself. After a long day's work, if his lordship could get Sir John Hoskins to a French house, for a petit supper, but ample feast of discourse, he was happy; which I can the better testify, having often been one of the company. There was no corner of the universe, that imagination could make accessible, but they searched it to the quick; and nothing new sprang abroad, or at home, but one or other of them, early or late, brought it under examination. The good knight made use of his profession so far as to make an accomplished master in chancery; in which post he had all just encouragement from his lordship, when he had the great seal. And accordingly his lordship was always pleased when he sent references to him, because he knew his integrity, and that, in his office, the suitors were well used, and no ravenous practices took place: which, as to himself, was egregiously so; but masters in chancery, by their clerks, as well as justices of the peace by theirs, are but too much imposed upon. One rule was verified in him, viz. "That no credit is to be given to the outside;" for he was certainly one of the most hard-favoured men of his time, and his visage was not more awkward than his dress. So that going, as his use

was, on foot, with his staff, and an old hat drawn over his eyes, he might be taken rather for a sorry quack, than, as he was, a bright virtuoso. So men discover what they value themselves for; and, on the other side, the same is to be said of them that cultivate dressing; whereof the solicitude or neglect, however proper it may be, will show itself by some kind of affectation.

His lordship was no concealed virtuoso; for his diffused acquaintance and manner of conversation made him known, and esteemed, as a professor of most polite arts, and given to scientific inquiries. This brought upon him an importunity to be admitted a member of the Royal Society; and one Sir Theodore de Veaux was employed to press him upon it. But his lordship never countenanced the proposal; and, at length, gave his positive denial. He esteemed it a species of vanity for one, as he was, of a grave profession, to list himself of a society which, at that time, was made very free with by the ridiculers of the town: and he could not discover what advantage of knowledge could come to him that way, which he could not arrive at otherwise. His lordship had another acquaintance, who resided in the Temple, and, being of a retired disposition, was very far gone in the mystery of algebra and mathematics. This was Mr. John Werden, afterwards Sir John, and many years a commissioner of the customs. He was the

Of Sir John Werden, Mr. Aubrey, Mr. Weld.

only son of an incomparable courtier, cavalier, and a most faithful servant in the royal family, Colonel Werden.* This Sir John inspired his lordship with a sort of fury in pursuit of the art of perspective. He showed him the picture of a tree, upon the boughs of which hung the letters of his name, cut solid, and placed, as it were, contingently, but expressed in true perspective. There was one Mr. Aubrey of Surrey,† a professed virtuoso, and always replete with new discoveries. He often visited his lordship, who encouraged him by his attention, and asking many questions: and his answers served well enough, in order to a farther inquiry. One Mr. Weld, a rich philosopher, lived in Bloomsbury. He was single, and his house a sort of knick-knack-atory. Most of the ingenious persons about town sometimes visited him; and, among the rest, his lordship did suit and service there. This gentleman was of a superior order, and valued himself upon new inventions of his own. He sowed sallads in the morning, to be cut for dinner, and claimed the invention of painted curtains in varnish upon silk, which would bend and not crack; and his house was

* Some farther account of this gentleman may be found in the Life of Sir Dudley North.

† John Aubrey, the industrious antiquary, who is said to have supplied Anthony Wood with a great part of the materials for his books. *Ob-circ.* 1700.

furnished with them: and he delighted in nothing more than in showing his multifarious contrivances. His lordship was once invited to a philosophical meal, at the house of Mr. Evelyn at Deptford.* The house was low, but elegantly set off with ornaments and quaint mottoes at most turns; but, above all, his garden was exquisite, being most boscaresque, and, as it were, an exemplar of his book of Forest Trees. They appeared all so thriving and clean, that, in so much variety, no one could be satiated in viewing. And to these were added plenty of ingenious discourses, which made the time short.

Of Sir Jonas Moor, Mr. Flamstead, and Mr. Ball.

His lordship had a great value for Sir Jonas Moor, a capital mathematician, knowing well his worth and honesty, by means of his employment under the commissioners for dividing the fens; at which his lordship had presided. That good man had taken Mr. Flamstead,† the noted astro-

* Evelyn and the lord keeper appear to have lived upon very friendly terms: "I dined with my lord keeper, and walking alone with him some time in his gallery, we had discourse of music. He told me he had been brought up to it from a child, so as to sing his part at first sight. Then speaking of painting, of which he was also a great lover, and other ingenious matters, he desired me to come oftener to him." (*Memoirs*, vol. i. p. 534.)

† "The learned astrologer and mathematician, whom his majesty had established in the new observatory in Greenwich Park, furnished with the choicest instruments." (*Evelyn's Memoirs*, vol. i. p. 458.)

nomer, into his protection, and, when he was scarce able to subsist in his college at Cambridge, planted him in the Tower, with accommodation in the buildings of the ordnance, of which Sir Jonas was an officer;* procured him instruments, and, at last, settled him in the new-built observatory at Greenwich. Sir Jonas once invited his lordship to dine with him at the Tower, and, after dinner, presented Mr. Flamstead. His lordship received him with much familiarity, and encouraged him to come and see him often, that he might have the pleasure of his conversation. The star-gazer was not wanting to himself in that; and his lordship was extremely delighted with his accounts and observations about the planets, especially those attendant on Jupiter; showing how the eclipses of them, being regular and calculable, might rectify the longitude of places upon the globe, and demonstrating that light did not pass instantaneously, but in time; with other remarkables in the heavens. These discourses always regaled his lordship; and, a good benefice† falling void, not far from the observatory, in the gift of the great seal, his lordship gave it to Mr. Flamstead, which set him at ease in his fortunes, and encouraged his future labours, from which great

* Sir Jonas Moor was surveyor-general of the Ordnance.

† Burstow in Surrey, the only preferment which Flamstead ever obtained.

things were expected; as applying the Jovial observations to marine uses, for finding longitudes at sea, and to correct the globes, celestial and terrestrial, which were very faulty. And, in order to the first, he had composed tables of the eclipses of the satellites, which showed when they were to happen, one after another; and of these, finely painted upon neat board, he made a present to his lordship. And he had advanced his other design of rectifying maps, by having provided large blank globes, on which he might inscribe his places corrected. But plenty and pains seldom dwell together; for, as one enters, the other gives way: and, in this instance, a good living, pensions, &c. spoiled a good cosmographer and astronomer; for very little is left of Mr. Flamstead's sedulous and judicious applications that way. His lordship had another virtuoso acquaintance in the Temple, one Mr. Ball, son of Sir Peter Ball, that, from his first society of that kind, kept him company. But family misfortunes overtaking him, his activity and inclinations deadened, or rather degenerated into domestic cares; so that I think it enough to have named him, as one in the list of his lordship's ingenious acquaintance.

Character of Sir Robert Sawyer.

There were two or three more persons very eminent in their way, and also particularly acquainted with his lordship. I shall therefore take this opportunity to remember something of them.

And first, of Sir Robert Sawyer, who rose no higher than attorney-general; for, at the Revolution, for reasons I shall give, he was dropped. He was a proper, comely gentleman, inclining to the red; a good general scholar, and perhaps too much of that, in show at least; which made some account him inclined to the pedantic. He was of the family of Sir Edmund Sawyer, and so related to his lordship. He was continued at the university till he had taken the degree of master of arts. And, being designed for the gown, he had his logic and arts, and, by performing the academic exercises, he had acquired an assurance and formality of speaking in public; which is always profitable to a professor in Westminster-hall. It was his good fortune to divert to the law; and his first practice was at the Exchequer court; and there he pitched his camp, and arrived at top practice. It was also his advantage to come up under the Lord Chief Baron Hales, whose learning in the law and records, and most pertinent application of it, were admirable; and students in the law, or practisers, under him, profited more than by any study. And no business in the law is so instructive, in order to serve the crown, as that of the Exchequer; which, by proper institution, is the court of the king's revenue; and the royal prerogative is at home there. It is no wonder therefore that Sir Robert Sawyer, being taken

into the attorney-general's place, at a time when the crown was very much embarrassed at law, as about the time of the Rye plot, conducted those great affairs so steadily and well as he did. But we must charge to account, among his very great advantages, his relation to his lordship, which created a friendship and a familiarity betwixt them; and thereby he had the most cordial assistance that his lordship could, on all occasions, give him. And this alliance was the firmer, because Sawyer's bias was to loyalty, which had been the character of his family.

His refusal to pass the *non obstante's*, and removal.

I need not recapitulate the great dependences of law that succeeded well under his conduct; for all notes of the latter end of the reign of King Charles II. are full of them. He was continued in his office by King James II. but then he was soon off the hooks: for, soon after the Lord Keeper North died, a deluge of irregular dispensations, and *non obstante's*, were coming towards him; and he was so just a man in his nature, that he was resolved, whatever became of him, he would not pass any such. So there was like to be a stop at him. He was always very careful of his office, and, when he did not fear any impositions, but was free to use his judgment as other attornies-general did, yet, when matters of life and death were depending, he used to summon the king's counsel to attend him at his chamber, where

it was freely consulted if there were a fitting evidence to proceed upon, or not; and, if the general opinion was that the evidence did not come up, he never pushed any trial against any man. Now, in this time of peril, he was so kind to his friends, the king's counsel, as to give them warning to study the points; for they would be asked whether the king might not, by his royal grant, appoint officers unqualified, with *non obstante's* to the test laws; and that the first case would be concerning the soldiery. And I believe the whole nation of the law were, at that time, apprised of all the arguments *pro* and *con:* so none could be taken napping. The first person, that was tested, was Mr. Solicitor Finch, a younger son of the Lord Nottingham; and he refused plumb. Upon one Saturday, in the afternoon, I was cited to the lord chancellor, and told I must give him an answer in writing forthwith. I answered, "that so nice a point ought to be well considered." He replied, "there was no need of that;" and cited some books. I told him I had seen those books, and would send him an answer the next day, which was a refusal. On Sunday after, Mr. Solicitor Finch was discharged, and one Powis made solicitor in his room. Mr. Attorney did not stay long, but was displaced to make room for Powis to be attorney. And there ended Sir Robert

Sawyer's preferment.* He ended his days honourably, and in peace; and his acquisitions remain in a noble family, by a match with his only daughter. And nothing ever impeached him, or

* "Sawyer, the attorney-general, says Burnet, (p. 1269) "who had for many years served the ends of the court in a most abject and obsequious manner, would not support the dispensing power; so he was turned out, Powis being advanced to be attorney-general." He was afterwards counsel for the seven bishops. In another place, Sawyer is called by Burnet "a dull hot man, and forward to serve all the designs of the court." The learning of Sir Robert Sawyer is spoken of in the highest terms, by one who was eminently qualified to appreciate it. (*See Mr. Hargrave's Preface to Lord Hale's Treatise on the Jurisdiction of the Lords' House*, p. 141.) During the proceedings against Sir T. Armstrong, (*vide ante*, ,). Sawyer was attorney-general, and his connexion with that affair led, after the Revolution, to his expulsion from the House of Commons.—The following is the account given by Sir John Reresby of the transaction mentioned in the text:—"He," (Mr. Jones, the son of the chief justice) "told me further, that Sir Robert Sawyer, the attorney general, had been directed by the King to draw up a warrant, by virtue of his prerogative, to invest a priest of the church of Rome with a benefice; and to confirm one Walker, the head of a house in Oxford, and some fellows of the same, who had erred over to the papal communion, by a *non obstante*; that the attorney said, this would not be against one statute only, but against all the laws since the days of Elizabeth; that he therefore durst not do it, and desired the King, therefore, to weigh the matter a little with himself, for that it struck at the very root of the Protestant church, quite contrary to his majesty's late gracious

his actions, in public. And that is a fair conclusion of a man's life; although we might see that, without such a noble support, he might have been calumniated, for what was done in his time, as well as some of his contemporaries.

Character of Mr. William Longueville.

Another of his lordship's acquaintance was one Mr. William Longueville, sometime a bencher of the Inner Temple, who was one of his lordship's much esteemed friends and companions. His discourse was fluent, witty, literate, copious, and instructive; and those who did not well attend to him, or did not understand him, thought he talked too much. His excellence of conversation lay in a select society of one or two; but he had too much in him to allow more a due share in the conversation. He was a master of classic wit, and had the best Latin sentences, from the orators, historians, and poets, at his tongue's end; and used to apply them significantly, and with that judgment as cleared him of pedantry. His method was much after the way of epic compositions, full of digressions and episodes; but neither was the main let fall, nor time lost, upon the by. This *copia* rendered him less fit for bar-practice, where submission and reference doth more in a

promises. In short, that the attorney further said, he doubted not but as soon as another could be found to do the work, he should lose his place; such a slave was the King to the priesthood of Rome." (*Reresby's Memoirs*, p. 233.)

cause than reasoning, and insinuating more than discoursing. For this reason he diverted to conveyancing; and, in that practice, rode one of the admirals. His industry was indefatigable, and his integrity as the driven snow; and as few blunders (if any) have come from his chamber as from any of his pretensions. His beginning was low, for he was the son of a cavalier father, who spent extravagantly what the tyranny of the times had left him, and at last fell to his unprovided son to be maintained, not only in his necessaries, but in extravagances. And he, with incomparable piety and application, was a father to his father. A good-natured six-clerk took a fancy to the young man, and gave him credit, by which he crept into that office, and, at length, made it his own; and, in fit time, he sold it. By which he had a foundation of estate; and what with a match, by which he hath posterity, and his practice, he hath re-edified a ruined family. His address and flowing wit recommended him to the knowledge of most eminent persons, and he was entirely trusted by divers considerable families. And he used with his lordship an untainted friendship, which he continued after daily familiarity must cease; for he omitted no opportunity of giving his lordship information, admonition, and advice, when he thought he might do him service by such freedoms. All which his lordship accepted with exquisite

candour, and had a very great value for such a friend as he was; and how many great men reject such, and divert to flatterers! Mr. Longueville was the last patron and friend that poor old Butler, the author of Hudibras* had, and, in his old age, he supported him. Otherwise he might have been literally starved. All that Butler could do to recompense him was, to make him his heir, that is, give him his remains; but in loose papers, and indigested. But Mr. Longueville hath reduced them into method and order; and some of them have been since printed. It might have been better, perhaps, if they had never seen the light; for, under a variety of surprising wit and lively conceit, there is couched but an awkward morality.

Of Sir John King, his oratory and successes

This Mr. Longueville first introduced to his lordship's acquaintance the most florid and accomplished gentlemen of the law, as, in the course of his practice, he appeared to be, Sir John King. His beginning was in general learning, having his face directed towards the church; and, so far as polite literature reached, he was accomplished, being master of Tully and the Latin oratory. He left the university, and applied to the law. His first practice was before the judicatory for the rebuilding of London after the fire. There he

* He was buried at the expense of Mr. Longueville.

made himself known, and, as that court consumed its business, he crept into better in Westminster-hall, and was soon let into the wheel of preferment; that is, by being put into some minor attorneyship, as of the queen, or duke, I remember not which: but he became the top practiser in the court of chancery; for he was cut out by nature, and formed by education, for that business. He had the most of an orator, and was withal the most polite and affable gentleman that I ever knew wear a gown. His principal care was to be instructed, and then his performance was easy. All his misfortune lay at home, in a perverse consort, who always, after his day-labour done, entertained him with all the chagrin and peevishness imaginable; so that he went home as to his prison, or worse; and when the time came, rather than go home, he chose commonly to get a friend to go and sit in a free chat at the tavern, over a single bottle, till twelve or one at night, and then to work again at five in the morning. His fatigue in business, which, as I said, was more than ordinary to him,* and his no comfort, or rather, discomfort,

* During the latter part of his life, his fees are said to have amounted to forty and fifty pounds a day. (*Echard*, p. 936, 937.) When the court had become weary of Sir William Jones, "they raised Sir John King to vie with him, but he died in his rise, which indeed went on very quick." (*Burnet's Own Time*, vol. ii. p. 681.)

at home, and taking his refreshment by excising his sleep, soon pulled him down; so that, after a short illness, he died.

Of Sir Charles Porter, and the strange adventures of his life.

His lordship had one friend, that used to frequent him much, and was greatly countenanced by him. It was Mr. Charles Porter, who, in the reign of King William, was made lord chancellor of Ireland, where he died.* This person had run a strange course of variety in his life. He was the son of a prebend in Norwich, and a 'prentice boy in the city in the rebellious times. When the committee house was blown up, he was one that was very active in that rising, and, after the soldiers came and dispersed the rout, he, as a rat among joint-stools, shifted to and fro among the shambles, and had forty pistols shot at him by the troopers that rode after him to kill him. In that distress he had the presence of mind to catch up a little child that, during the rout, was frighted, and stood crying in the streets, and, unobserved by the troopers, ran away with it. The people

* He was originally made lord chancellor of Ireland, in the reign of James II., during the vice-royalty of Lord Clarendon. "He was," says Burnet, "a man of ready wit, and being poor, was thought a person fit to be made a tool of." When Clarendon was recalled, Porter was also displaced, and Fitton was made chancellor, a man "who knew no other law but the king's pleasure.' (*Own Time*, vol. iii. pp. 1119, 1163.)

opened a way for him, saying, "Make room for the poor child." Thus he got off, and, while search was made for him in the market-place, and thereabouts, got into the Yarmouth ferry, and, at Yarmouth, took ship and went to Holland, there being an opportunity of a ship then going off; and he was scarce out at sea before the pursuit came down after him; so narrowly he escaped hanging at that time. In Holland he trailed a pike, and was in several actions as a common soldier. At length he kept a cavalier eating-house; but, his customers being needy, he soon broke, and came for England, and, being a genteel youth, was taken in among the chancery clerks, and got to be under a master, in which employment he laid a foundation for practice in that court, beginning with drawing; and afterwards, he applied to the bar. His industry was great, and he had an acquired dexterity and skill in the forms of the court; and although he was a bon companion, and followed much the bottle, yet he made such dispatches as satisfied his clients; especially the clerks, who knew where to find him. His person was florid, and speech prompt and articulate. But his vices, in the way of women and the bottle, were so ungoverned, as brought him to a morsel; and he did but just hold up his head, with all the advantages that fell to his share; which were very great: for when the Lord Keeper North had the

seal, who, from an early acquaintance, had a kindness for him, which was well known, and also that he was well heard, as they call it, business flowed in to him very fast, and yet he could scarce keep himself at liberty to follow his business. The best account of which strange conduct is, that he was careless, and joined with others in taking up monies; and so carried on a jolly way of living. At the revolution, when his interest fell from, and his debts began to fall upon him, he was at his wits' end. And some, knowing his case, and pitying him, (for, at large, he was indeed a very honest fellow) recommended him as a plausible man, fit to be lord chancellor of Ireland; and accordingly he was knighted, and sent over. There he lived some years, and, in that place, concluded his days little better than insolvent. It is not to be wondered at that this fair-conditioned gentleman of the Chancery order should be acceptable to his lordship; for, barring his private failings, and no less secret debts, his character for fidelity, loyalty, and facetious conversation, was without exception; and his lordship knew little of his secret ways to give him a disgust to his person, who also had the good fortune to be beloved by every body. I have remembered thus much of a gentleman that underwent all extremity of good and evil fortune; whereof the particulars, that are not of my own knowledge, I had from his own

mouth, in very serious conversation. All which is worthy to be known; and the rather, because he had that magnanimity, and command of himself, that no surprise, or affliction, by arrests or otherwise, could be discerned either in his countenance, or society: which is very exemplary; and, in cases of the persecuting kind, as injustices, and the malice of powers, heroical in perfection.

Hales's errors caused the consideration of fishes bladders.

The Lord Chief Justice Hales, a profound common lawyer, and both devotionair and moralist, affected natural philosophy, as I have already observed of him. But here I shall take notice only of a book he put out, entitled "Of the Non-gravitation of Fluids." His lordship did not approve of his doctrine, but wondered that a man of his great ability in other things, should lapse so childishly into error, as, in that book, he showed himself guilty of. But the perusal of it put him upon a stricter consideration of hydrostatics, than he had been used to before. And, among the many instances he thought of for illustrating the pressure, or gravitation, of fluids, he fell upon the consideration of the bladders of fishes; what effect they had, and by what means. He concluded that the contracting and dilating of the bladder, whether by a muscular action, or the more or less compression of the water, and perhaps both, caused the fish to rise, or sink, or rest in the water, without any action of the fins. It was alleged, against this,

that there is no time when the fish doth not make use of her fins; but whoever observes them, even in their most quiet state, shall discern their fins more or less movent and employed. This may be no labour or pains to the fish, as under any constraint, more than it is to us, by virtue of our muscles, to stand, or sit, upright; but it is an action, in a manner, involuntary, and that attends common life, and neither we, nor they, perceive it. Thus the matter used to be debated between him and his nearest friends; but he yielded nothing, but was continually more satisfied of his own notion. At length it was agreed that each party should draw up their reasons, and send them to Mr. Oldenburgh, the publisher of the Philosophical Transactions,* as to a public notice. His lordship's paper is to be found in Mr. Lowthorp's Abridgment,† vol. ii. p. 845, to which I refer the reader.

Approved by the virtuosi.

It appears, in Mr. Lowthorp's collection, that his lordship's hint was laid hold of, and approved, by the virtuosi of the time; particularly by Mr. Boyle,‡ and Mr. Ray,§ who, in papers there en-

* And secretary to the Royal Society.

† Of the Philosophical Transactions.

‡ Robert Boyle, the celebrated philosopher, "a man illustrious by birth, by learning, and by virtue."

§ John Ray, the naturalist. The paper referred to is No. 115, p. 349.

tered, have pursued thereupon. I have not found that any of them knew who was the author of this paper. His lordship sought no fame, nor commendation, but information only. Therefore he did not add his name; which he would not have to be tossed, whatever became of his notion.

Answered Sir Samuel Moreland's statick barometer on a challenge.

About this time, the philosophical world was entertained about settling the grand affair of the mercurial barometer, and its indications. Among the rest, Sir Samuel Moreland* published a piece,

* It is to be regretted that there is no account of this singular man to be found in our biographical collections. During the Protectorate he was employed under Thurloe, Cromwell's secretary, and dedicated to the Protector a "History of the Persecutions in Piedmont." (*Memoirs of T. Hollis*, p. 746.) While thus intrusted with the secrets of the government, he was in the habit of betraying them to Charles II., and on the Restoration was knighted, "as a public testimony that the king had received most considerable services from him for some years past." (*Kennet's Register*, p. 135.) His majesty was also pleased to present him with a medal, on the reverse of which was the following inscription: "IN ADVERSIS SUMMO VITÆ PERICULO PROSPERIS FELICI INGENIO FREQUENS ADFUIT;" and at the same time, gave him leave to wear the medal, "as an honourable badge of his signal loyalty," (*Evelyn's Numismata*, p. 141); "or more justly," say the authors of the Life of Hollis, "as a badge of baseness, which should render him infamous to all posterity." The honours bestowed upon him by the king did not prevent the public, however, from appreciating him as he deserved; and Pepys tells us that "he was looked upon by all men as a knave." (*Diary*, vol. i. p. 44.) In his old age he became entirely blind, and

containing a device to prolong the indicatory space from three inches, as in common tubes, to a foot, or more, as you please; and he defied all the virtuosi to resolve it. This he called a statick barometer; for it was contrived by suspending a common tube at one end of a plain balance, and the other arm to be duly counterpoised, and drawn to a point directed to play against an arch of about a sextant, divided into three parts; and that was to correspond with the three inches on the plate of an upright tube. The cistern was a cylindrical glass, of more than the double diameter of the tube; and, in that, charged with mercury, the tube, erected according to art, was immersed; and the moving of the mercury in the tube, higher and lower, was of no regard, but the index only. His lordship wrote a paper in answer to the knight's challenge, and considered this experiment according to the laws of hydrostaticks, and concluded

had the misfortune to be entrapped into a marriage with a woman, who was represented to him to be "a very virtuous, pious, and sweet-dispositioned lady, an heiress, who had 500*l.* per annum in land of inheritance, and 4000*l.* in ready money," &c., but who unfortunately turned out to be "a coachman's daughter, not worth a shilling." (*Pepys's Corresp.* vol. ii. p. 78.)

Sir S. Moreland has sometimes been supposed to have been the inventor of the steam-engine; but this conjecture is incorrect. (See the subject examined in the *Quarterly Review*, vol. xxxii. p. 406.)

that the mystery lay in the difference of specific gravity between mercury and glass, which may be nearly as one to twenty. The standing of the mercury, in the tube, is always taken upon the distance of the upper from the lower superficies; and, whatever happens, the mercury will find that distance as the pressure of the atmosphere requires. He considered also that the quantity of mercury, and the quantity of the glass tube, not immersed, taken together, were the sum of the whole weight above the stagnum, supposed to make an equilibrium against the counterpoids. This standing level, and the index pointing (for example) to 29½ inches, if the variation of the pressure comes to require a 30 inch column, then ½ inch mercury in weight is added on that side. This must draw down the tube into the stagnum, till so much of the glass tube is immersed, as shall answer that increase of weight; and then the index riseth, because the tube and the mercury tend down into the stagnum. But as the glass goes down, the mercury seems to rise in the tube; for the column will always, as I said, answer the pressure, whether the tube goes up or down. His lordship considered also that the specific weight of glass is so much less than that of mercury, that the glass tube must lose two or three inches to countervail one half, or perhaps one quarter of an inch of mercury, whether sinking into the stagnum, or emerg-

ing from it, and so in proportion, as it shall happen: which makes the opposite arm, with the index, make larger sweeps than the rising and falling, in common tubes, show. His lordship considered farther, that the stagnum not being very wide, as the tube sunk, the mercury there rose and swallowed the glass faster than, if wider, it would do; and that it ought to be so adjusted, for quantities of mercury and glass, that the arm shall not play much above or below the level, which, otherwise, would create some impediment, if not inequality, in the motion; and lastly, that the arch must be graduated mechanically; for the measures must be taken as they happen, and will not be adjusted by calculates. It is obvious how, by this means, the beam moves, and stands in continual balance, and the index shows the barometrical action, by the arched and graduated plate, with advantage. But, in practice, the many frictions, as of the mercury in the tube, and of the glass in the stagnum, corrupt the nicety of the instrument (and in time exaggerating) so much, that it is not made use of but for show.

The answer sent, which was followed by an acquaintance. His devices.

When the virtuoso received his lordship's paper, he blustered, and threatened a most powerful answer, but never was so kind as to send any. On the contrary, he took an opportunity to wait on his lordship, and they became good philosophical friends and acquaintance; and once, upon an in-

vitation, his lordship dined with Sir Samuel at his house; and though his entertainment was exquisite, the greatest pleasure was to observe his devices; for every thing showed art and mechanism. A large fountain played in the room, and all the glasses stood under little streams of water. He had a cistern in his garret, which supplied water to all parts of his house, as he thought fit to contrive it. The water was raised by a common pump (as it seemed to be) in his yard: but, going to lift the sweep, it rose (as it were) of itself; for it was prolonged beyond the tree, and there had a counterpoise of lead; which made the sweep move as the beam of a scale: and wherever there was like to be a friction, a roulet was placed to receive it. In like manner, windows, doors, hinges, and chimnies spoke the owner to be an artist: and his utensils abroad had the same taste. His coach was most particular; and he made a portable engine, that moved by watchwork, which might be called a kitchen; for it had a fire-place and grate, with which he could make a soup, broil costeletts, or roast an egg; and, for that, his contrivance was by a fork with five tines (as I may call it) which stood upright at a due distance before the firegrate, and turned slowly. An egg, put into that, would roast according to art; and if a piece of meat were stuck upon it, it was dressed by clockwork. He said himself that this ma-

chine cost him 30*l*. He took it with him in his own coach, and, at inns, he was his own cook. But to conclude with a capital invention of his. When he was told that the Lord Keeper North was dead, he asked of what disease? It was answered, of a fever. "It is strange," said he, "that a wise man, as he was, should die of a fever." "How," said the other, "should a wise man prevent it?" "By doing as I do," said he; "that is, to go to bed with a glysterpipe always in my reach; and that is a box to hold the liquor, the lid of which is a plug that screws down and evacuates it: and from the box proceeds a flexile pipe with the tool at the end; by which, at any time, when I find myself not well, I give myself a clyster. Whereas others are forced to send for help; and, in that delay, a fever lays hold, which might have been suppressed at first."

The means of barometers being first sold in shops.

His lordship was much affected by the discoveries, which fell in the consequences of the Torricellian experiment; whereby a new world of air, compressing every thing it touches, is revealed. He could not but observe a manifest connexion between the alterations of the mercurial station, and the course of the winds and weather; but could not fix in his mind any certain rules of indication, but rather the contrary, viz. that events failed as often as corresponded with the ordinary expectation. But yet he would not give it over

for desperate, and hoped that a more general observation might generate a better prognostic of the weather from it, than was yet known. And that must be expected from a more diffused, if not an universal use of it, which could not then be thought of; because the instruments were rare, and confined to the cabinets of the virtuosi; and one was not to be had but by means of some of them. Therefore his lordship thought fit to put some ordinary tradesmen upon making and selling them in their shops; and accordingly he sent for Jones, the clock-maker in the Inner-Temple Lane; and, having shown him the fabric, and given him proper cautions in the erecting of them, recommended the setting them forth for sale in his shop; and, it being a new thing, he would certainly find customers. He did so, and was the first person that exposed the instrument to sale publicly in London. But his lordship, perceiving that his business lay in other operations he was more used to, and that he began to slight these, sent for Mr. Winn, a famous instrument-maker over-against his house in Chancery-Lane, and did the like to him, who pursued the manufactory to great perfection, and his own no small advantage; and then others took it up, and few clock-makers, instrument-makers, cabinet-makers, and divers other trades, were without them always in their shops, ready for sale: and all moving from the first

essays, as I related, set on foot by his lordship. He was a true lover of arts; and, as well for the encouragement of that Mr. Winn, as for his own speculative humour (for he had not time to practise drawing) he caused a case of mathematical instruments to be made by him, which are yet extant, and cost fifty pounds; and nothing of the kind can be made by the hands of men, more nice, elegant, and curious than those are.

His lordship's excellence, use, and delight in music.

Now, to illustrate his lordship's inclination to ingenious arts and sciences, I have two subjects to enlarge upon. 1. Music. 2. Picture. As for his music, I have already mentioned his exquisite hand upon the lyra and bass-viol, and the use he made of it to relieve his solitude in his chamber. He had a desire to use also the theorbo and violin. He scarce attempted the former, but supplied the use of it by the touch of his lyra viol upon his knee, and so gained a solitary concert with his voice. He attempted the violin, being ambitious of the prime part in concert, but soon found that he began such a difficult art too late; and his profit also said nay to it, for he had not time for that kind of practice. It was great pity he had not naturally a better voice; for he delighted in nothing more than in the exercise of that he had, which had small virtue but in the tuneableness and skill. He sang any thing, at first sight, as one that reads in a new book, which many, even

singing-masters, cannot do. He was a great proller of songs, especially duets; for, in them, his brother could accompany him; and the Italian songs to a thorough bass were choice purchases; and, if he liked them, he commonly wrote them out with his own hand. And I can affirm that he transcribed a book of Italian songs, into a volume of the largest quarto, and thicker than a common-prayer book. And this was done about the time he had received the great seal; for, if he would discharge his mind of anxieties, he often took the book of songs, and wrote one or two of them out. And, as he went along, he observed well the composition and elegancies, as if he not only wrote, but heard them; which was great pleasure to him.

A composer of concert music.

His lordship had not been long master of the viol, and a sure concerteer, but he turned composer, and, from raw beginnings, advanced so far as to complete divers concertos of two, and three parts; which, at his grandfather's house, were performed with masters in company; and that was no small joy and encouragement to him. But it was not to be expected he should surmount the style and mode of the great music-master Mr. Jenkins, then in use where he came: and, after his capacity reached higher, he had no time to be so diverted. Yet, while he was chief justice, he took a fancy to set to music, in three parts, a canzon of Guarini,

beginning thus, *Cor mio del, &c.* In that, he aimed to compass what he thought a great perfection in concert music; ordering the parts so that every one shall carry the same air; and, however leading or following, the melody in each part is nearly the same; which is, in composing, no easy task.

Author of a philosophical essay of music, and his notion.

Not many years before his lordship was preferred to the great seal, he fell upon a pleasing speculation of the real mechanism whereby sounds are distinguished into harmony and discord, or disposed to please or displease our sense of hearing. Every one is sensible of those effects, but scarce any know why, or by what means they are produced. He found that tones and accords might be anatomized, and, by apt schemes, be presented to the eye as well as the ear, and so music be demonstrated in effigy. After he had digested his notions, and continued his schemes, he drew up a short tract, which he entitled "A Philosophical Essay of Music;" not with the form and exactness of a solemn writer, but as the sense of a man of business, who minds the kernel, and not the shell. This was printed by Mr. Martin, printer to the Royal Society, in 1677. The piece sold well, and, in a few years, it was out of print, and ever since is scarce to be met with but in private hands. If I may give a short account of his lordship's notion, it is but this. All musical sounds

consist of tones, for irregular noises are foreign to the subject. Every tone consists of distinct pulses, or strokes, in equal time; which, being indistinguishably swift, seem continual. Swifter pulses are accordingly (in sound) sharper, and the slower, flatter. When divers run together, if the pulses are timed in certain proportions to each other, which produce coincidences at regular and constant periods; those may be harmonious, else discord. And, in the practice of music, the stated accords fall in these proportions of pulsation, viz. $\frac{2}{1}$, $\frac{3}{2}$, $\frac{4}{3}$, $\frac{5}{4}$, $\frac{6}{5}$. Hence flow the common denominations of 8th, 5th, 4th, 3d, 2d; and these are produced upon a monochord by abscission of these parts $\frac{1}{2}$, $\frac{1}{3}$, $\frac{1}{4}$, $\frac{1}{5}$, $\frac{1}{6}$, of all which the fuller demonstration is a task beyond what is here intended.

Notation of harmonious pulses and numbers.

But to accomplish an ocular representation of these pulses, his lordship made a foundation upon paper by a perpetual order of parallel lines; and those were to signify the flux of time equably. And when a pulse happened, it was marked by a point upon one of those lines, and, if continued so as to sound a bass tone, it was marked upon every eighth line; and that might be termed the bass. And then an upper part, which pulsed as $\frac{2}{1}$, or octave, was marked (beginning with the first of the bass) upon every fourth line, which is twice as swift: and so all the other harmonious proportions, which showed their coincidences, as well

with the bass as with one another. And there was also showed a beautiful and uniform aspect in the composition of these accords when drawn together. This as to times. The ordinary collation of sounds is commonly made by numbers, which, not referred to a real cause or foundation in nature, may be just, but withal very obscure, and imparting of no knowledge. Witness the mathematicians' musical proportion. His lordship did not decline numbers, but derived them from plain truths. He found 360 the aptest for those subdivisions that music required; and, applying that to an open string, or monochord, each musical tone, found by abscission of a part of the string, is expressible by those numbers so reduced in proportion. As $\frac{1}{2}$ of the string pinched off is as $\frac{2}{1}$ or 180, an octave; and $\frac{1}{3}$ as $\frac{1}{2}$ 240; and so of the rest down to the tone, or second, which cuts off $\frac{1}{6}$, and the semitone a $\frac{1}{16}$, &c.

The subject notably pursued by the virtuosi.

The virtuosi soon took up this little piece, and, during the nine days' wonder, were very busy about it. Mr. Matthews of Sidney college in Cambridge, was so affected that he made a perpetual comment upon it, and took much pains to explain the doctrine of pulses by experiments; but these proffers are all mislaid, or lost. I have been informed that Mr. Matthews left such, but could never find in whose hand. The ingenious Mr. Hook put this scheme of music into clockwork,

and made wheels, with small lingulæ in the manner of cogs, which moving, each upon its pin, as the wheel turned, struck upon an edge, one after another, equably; the wheel turning slow, the pulses were distinguishable, and had no other virtue; but then, turning swifter, the distinction ceased, and a plain musical tone emerged. This for one. Then, another wheel was contrived to strike three to two (for instance) and as the distinction began to fail, and continuation to take place, we might hear a concert 5th coming on, and settling in the manifest accord so named. Sir Isaac Newton, in answer to an inquiry what he thought of this piece, did not come into the solution of harmony by coincidences, which he said, and truly, cannot be the same to all ears (as the accord is) in divers positions; but, as his way hath been to refer to qualities, he styled an unison to be an harmonious consent; by which one understands nothing. But, as to coincidences, if they are so at the instruments, the virtue is disposed *quaquaversum*, while the waves of the sounds enlarge every way, and the ear is affected with the order of them wherever it is planted. In 1682 Dr. Wallis published his Ptolemy, and subjoins a notable appendix of music ancient and modern, and pursues his lordship's scheme, but in a different manner. In 1694, Dr. Holder's piece came out; but so puzzled with numbers that it is

uneasy to read; and he makes great ado about dividing tones major, tones minor, dieses and commas, with the quantities of them; as most authors have done. All these works, as I judge, were spirited up by his lordship's essay, which came out long before them. And, ever since, the philosophy of music hath been more courted than formerly.

Judge of picture and perspective.

The other head of his lordship's entertainment is picture; a word I choose rather than painting; for of that I can ascribe nothing to him. He never took a pencil in his hand, nor attempted any kind of draught, excepting some mathematical diagrams, and a little of perspective, which is a branch of the mathematics. He had a good taste of picture, and knew wherein the worth of them consisted, and seldom failed to point at the faults, and to declare the excellencies of a painting, at first sight. His talent was not performing, but judging; especially of what flowed out of the art of perspective, against which most faulty pieces are offenders. No man living had a juster idea of perspective than he had. Which assertion I make good by a fragment of his writing upon a piece of paper, viz. "Perspective is a projection of a con-
"cave hemisphere in plano, with straight lines;
"which is very imperfect, and not tolerable in a
"large segment of a sphere; but will be perfect
"in a hemisphere, where the infinite distances

" terminate in a point, not only in a horizontal " line, but upwards and downwards, and on both " sides; and all straight lines, except those which " are in the cross diameters, are described by " curves." This needs a comment, by explaining the whole art, to make it to be nicely understood; which I shall not attempt here.

Improved by the acquaintance with Sir Peter Lely.

In the science of picture there is a skill peculiar to painters, and such as practise draught; that is, of the style and handling, colouring, and manner of the noted masters, whereby the professors pretend to know copies from originals, and the true sublime in picture. All which flows from perpetual observation, instruction, and variety of experience; and an artist's whole life is little enough for gathering a competent qualification to warrant his judgment. His lordship always loved to see variety of good pictures; but was a minor critic till his acquaintance and association with Sir Peter Lely was embraced; and then he began to see how little he understood of the matter. Sir Peter was a well-bred gentleman, friendly and free, and not only an adept in his art, but communicative, and had a great collection, consisting of pictures from the hands of the best masters, and a magazine of Scizzis, and drawings of divers finishings, which had been the first touches, I may say the heart, of great designs and models, besides prints of the best gravers. His lordship had free access

to these, which, with the occasional comments of that great artist, were sufficient to establish (if not a critic) a true lover of painting.

How the acquaintance commenced between them.

The introduction to this acquaintance was by means of Sir Peter Lely's chief virtuoso friends about the court. For, after he was grown rich, and had children, he often complained of the want of some good friends, who might advise and assist him about settling his estate, that his children might be sure to enjoy what he should leave behind him. One of them asked him why he did not get acquainted with Mr. Attorney-General, who was the fittest person in England for his purpose; and he offered to bring Mr. Attorney one night to sup with him. This was no sooner said than done; and, from that time, the friendship betwixt them was struck up. What advantages either side had thereby, will be mentioned in a proper place. How his lordship continued his favour and friendship to his son after his death, will appear when I come to show the part he acted in a more exalted character; and that is, benevolence to all mankind, to which I now proceed. Wherein I shall demonstrate, from numerous instances, his universal inclination to do good to all men, according as worthy instances offered themselves.

Kind to young people, and liberal.

I must begin at the lower form, which was his taking notice of young persons: he was no sooner

arrived at man's estate, and a shifter for himself, but he became a friend to others that lay behind, and came after him; and he took a pleasure in doing things in a manner as might best please and divert them; particularly his younger brothers, who, by way of fund for petit recruits of money, at all interviews used him as their own. And thereby he showed his intrinsic good nature; for, if actions are to be prized by their effects, the greatest bounties among men have not a sublimer effect of joy, than such liberalities to young scholars. But then he exacted a severe retribution of hard questions, and puzzling fallacies of the literate kind, put upon them, as was touched elsewhere; but they, with the prudence of their betters, pocketed up all such wrongs.

His care of the elder branch.

His lordship had an opportunity of doing one generous act, with a *continuando* during all the rest of his life. It was taking care of the head of his family, as the northern men style the elder branch, or lineal heir of the old stock. This was Mr. Robert North, eldest son and heir of Sir Charles North of Walkeringham in the county of Nottingham. Edward Lord North, the first baron of his lordship's family, was a younger son of old Sir Charles of Walkeringham. But (waving pedigrees) this gentleman's father was a cavalier, and persecuted in the rebellious times, and, after the restoration, or thereabouts, was made high

sheriff of the county. His under-sheriff proved an insolent knave, and his security insufficient, whereby great troubles and losses fell upon him; and he died leaving his family in a deplorable condition. He left but one son, this Mr. Robert North, but divers daughters, and about sixty pounds per annum clear estate to provide for them all. The son had been well bred at school, and could write well, and was so goodnatured as to consider that, if he staid at home, without some beneficial employment, his sisters must want. Thereupon he took a resolution to go abroad and seek his fortune, leaving all he had to his sisters to make the best for themselves they could out of it, and thought not of more for himself than he could gather by his industry.

The young man's character and behaviour as his lordship's father's clerk.

Coming to London, what with writing, and other officious services, as by some acquaintance and recommendation he found means, he poorly subsisted. It happened that Sir Dudley North, his lordship's father, wanting a clerk for his justice business in the country, took this young man, who was recommended for a good writer, faithful and industrious. There was not at that time, and for divers years after, any relation of him, to that family, known; but his behaviour made him esteemed by Sir Dudley North to the degree of a favourite. His design was to keep himself concealed, and to bear his misfortunes within himself, as well as he could. But he lived under a conti-

nual resentment and melancholy, ever complaining of inward infirmities, without saying what; and the family gave him for gone of the spleen. And in truth, even after his circumstances were mended, that infirmity had taken such root in him that it became habitual, and he could not shake it off as long as he lived. So dangerous is it to let imaginations get the upper hand long together. Sir Dudley North observed such strong tokens of an inward discontent, that he could not forbear urging him to say if any thing, relating to his service, was uneasy to him, and he would take care it should be remedied. No, all was exceeding well, and his place better than he ever hoped for or deserved. And Sir Dudley North so often urged him upon these points, and particularly of his country, family, education, and the like, till he had extorted from him that he was the eldest son of the Walkeringham family; and, from that time, he was owned as of the elder house, and lineal right heir of the family, and treated with all possible respect and service. But still he kept his post, and made no sign of any desire of a better.

Course of this gentleman's advancement.

During this time, his lordship advanced in his profession, and was made judge of the royal franchise of the Isle of Ely, and at his first assizes (with leave of his father) took this gentleman with him, and made him his chief officer, and sent him home with good 30*l.* in his pocket; for which

kindness Sir Dudley heartily thanked his son Frank, as for so much done personally to himself. But this was an earnest of more to come after; for when his lordship was made attorney-general, he desired his father would part with him, to come up and take the place of chief clerk under him, which was called of the confessions. And it was not without the greatest reluctance that he yielded to it; and no inducement, less than his beloved clerk's preferment, which of all things he desired, would have prevailed upon him to consent. But, after that, there was a notable stir to make the gentleman remove; and I was employed to work him to it. His spleen had such fast hold of his intellect, that he could not conceive better than that, if he removed to London, he should fall sick, and die by the hands of a nurse, who would pluck away his pillow to get his clothes. But we got the better of him to accept of no small preferment, and in the high way to greater; assuring him that he should have so much profitable business as not to dream of nurses, or any thing else, but getting of money; and so the mouse was prevailed upon to enter into the Parmesan cheese. When his lordship was chief justice of the Common Pleas, he made his cousin North his clerk of the treasury, and, when he was lord keeper, the same kinsman carried the seal. His lordship used him in his

most private and uncheckable trusts, and would have treated him with more familiarity; but he absolutely withdrew himself from it, and would be no other than a servant, as long as his lordship lived. After he was dead, he took his habitation in St. Giles's parish; and all along was careful to provide for his sisters and their children, as well as he could. But there his spleen got ground of him; and, having often surveyed the churchyard, and the various situations of it (a melancholy employ) he showed his friends where he desired to be buried; and, before his death, often fed his spleen with walking to and fro to visit the place of his future residence; and, in about four or five years time, after the death of his most honoured patron, he was (by the care of some relations that he had taken home to him) put in full possession of it. It may seem to many, that, for the present purpose, this relation is too long (for impertinent it is not). But I considered that the redundance, such as it is, may be indulged as a worthy remembrance of a most luculent example, in which may be seen a due reward of exquisite worth, integrity, piety, patience, and perseverance, shining in the course of this excellent person's life; who, with less notice than here is taken of him (with the matchless pattern of his most recommendable character and successes) would be as much lost, and, to all future

times unknown, as the place where now his mortal remains lie.

Care of the Mordaunts, and Trochees, relations.

There was a family of the Mordaunts in Bedfordshire fallen into decay, to whom his lordship had a relation by his grandmother, who was of the Brocket family. The eldest and only son was left with an estate, but incumbered almost to full value, and which, without being speedily redeemed, must have been utterly lost. When his lordship was chief justice, he sent for the young man, and made him his crier. He bought of him the equity of redemption of his estate, and, having (as his design was) sold it again to Sir Creswell Levinz, paid all the young man's debts, gave him a full account, and paid him the overplus. But this frantic fellow took tetch at somewhat, and ran away into Ireland. His lordship dispatched one of his domestics after him, who had the good luck to find him out, and bring him, pennyless, home. His lordship did all he could to find out what was the cause that made him desert a good place, but could not. However, he reinstated, and encouraged him all he could; but nothing would do; and he was finally ruined and lost. There was another family, of the same relation, whose name was Trochee, numerous, and in great want. He took one son to be his lady's page, and others he got bound out to trades, or put in a way of living well, if they had pleased to

conform. But a wild, or idle spirit possessed them, and what was done for them proved abortive.

Kindness to Mr. Gilbert North, a natural relation.

One gentleman, named Gilbert North, had his lordship's favour; and if his own personal failings had not worked counter to all his lordship's intentions towards him, he might have made himself considerable; but *ex quolibet ligno, &c.* He was a bastard son of Gilbert North, his lordship's father's great uncle, by one that was called my Lady Venner. She married a pettifogger, one Smith, of Berkshire, who bred up this youth towards the law, by putting him into the society of the Middle Temple. His lordship took notice of him, and gave him all the encouragement he might. When his lordship was reader, he made him his sub-reader, which showed him to the society, and to men of his profession; and to qualify him for business, so as to pick up a little, (for he had no manner of estate or provision) he was called to the bar, and his lordship bestowed plentiful advices upon him. But once he was very much surprised; for he asked the young man (then a barrister) if he understood law French? he said "No," but he intended soon to make himself master of it. From thenceforward all his lordship's hopes of him were vapid. But yet he continued a sort of occasional bounty to him, and, when he had the great seal, he billeted him 60*l.*

per annum deep upon an office; which was duly paid him, and just served him, in the Friars,* where he had taken up his rest, to keep him from starving. After his lordship's death, he perished, leaving his funerals for a legacy to the parish. I have here drawn out an account of this gentleman's stupid temper, to show what a miserable case it is when men, having meat set before them, will not lift up a hand to taste it, but perish for want. Many men would have given a round sum of 2000*l.* or more, to have stood in his place. So we have bad, as well as good examples, to instruct such as are pleased to mind them.

Like to the Chutes, younger brothers, and near relations.

There was a family, nearly related to his lordship, whose name was Chute,† where two younger brothers, his aunt Dacre's grand-children, were left without any family provision, and had been gratuitously educated by their grandmother; but wanted to be put into the world, so as to shift for themselves. His lordship placed the eldest of them with Dr. Brevint, a French refugee, and prebend of Westminster; where, by the family

* Whitefriars, adjoining the Temple; formerly called Alsatia.

† Dorothy, the daughter of Dudley, the third Lord North, married first to Lord Dacre of the South, and afterwards to Chaloner Chute, of the Vine, in Hampshire, Esquire. (*Collins*, vol. iv. p. 294.)

conversation, as well as some instruction, he might acquire a ready use of the French tongue, in order for a post he had designed for him, as soon as he was capable. His lordship furnished him with money to pay for his residence there; and, after six months, finding him fit, recommended him to a clerkship under Secretary Jenkins; and, at the coronation, made him the prothonotary of the Court of Claims; which presented his cabinet with near three hundred guineas; and, during this time, and until (by the death of his elder brother) the capital estate of the family fell to him, allowed him 30*l.* per annum. This gentleman hath ever since, upon all occasions, continually expressed his grateful acknowledgments for all this noble patronage, without which he had suffered large decadences both of mind and body. The younger brother, being the grandmother's favourite, was by her placed at the Middle Temple. But, withal, he received great encouragements from his lordship, by presents of twenty and thirty guineas at a time, till a good match was found for him, and, by friendship and money, he was lifted into an opulent office in the law; and his grandmother, dying, had left all she had to him. His lordship never cared to feed idle people; but, if capable and industrious, he would always, if it lay in his power, find means to plant

them in a way of employment; and his benevolences were, for the most part, directed with such views.

Unspeakable kindness to a younger brother.

But these are remote instances; I ought to come nearer home, and take an account of his benevolences to his paternal relations. His youngest brother (the honourable Roger North) was designed, by his father, for the civil law, as they call that professed at Doctors Commons, upon a specious fancy to have a son of each faculty or employ used in England. But his lordship dissuaded him, and advised rather to have him put to the common law: for the other profession provided but for a few, and those not wonderful well; whereas the common law was more certain, and, in that way, he himself might bring him forwards, and assist him. And so it was determined. His lordship procured for him a petit chamber, which cost his father 60*l.* and there he was settled with a very scanty allowance; to which his lordship made a timely addition of his own money: more than all this, he took him almost constantly out with him to company and entertainments, and always paid his scot; and, when he was attorney general, let him into a partnership in one of the offices under him; and when his lordship was treasurer, and this brother called to the bar, a perquisite chamber, worth 150*l.* fell; and that he gave to his brother for a practising chamber, and

took in lieu only that which he had used for his studies. When his lordship was chief justice, he gave him the countenance of practising under him at *nisi prius;* and all the while his lordship was a housekeeper, his brother and servant were of his family at all meals. When the Temple was burnt, he fitted up a little room and study in his chambers in Serjeant's-Inn, for his brother to manage his small affairs of law in, and lodged him in his house till the Temple was built, and he might securely lodge there. And his lordship was pleased with a back door in his own study, by which he could go in and out to his brother, to discourse of incidents; which way of life delighted his lordship exceedingly. And, what was more extraordinary, he went with his lordship in his coach constantly to and from the courts of *nisi prius* at Guildhall and Westminster. And, after his lordship had the great seal, his brother's practice (being then made of the king's counsel, and coming within the bar) increased exceedingly, and, in about three years time, he acquired the better part he afterwards was possessed of. At that time, his lordship took his brother into his family, and a coach and servants assigned him out of his equipages; and all at rack and manger, requiring only 200*l.* a year; which was a trifle, as the world went then. And it may truly be said that this brother was as a shadow to him, as if

they had grown together. And, to show his lordship's tenderness, I add this instance of fact. Once he seemed more than ordinarily disposed to pensiveness, even to a degree of melancholy. His lordship never left pumping, till he found out the cause of it: and that was a reflection what should become of him, if he should lose this good brother, and be left alone to himself: the thought of which he could scarce bear; for he had no opinion of his own strength, to work his way through the world with tolerable success. Upon this, his lordship, to set his brother's mind at ease, sold him an annuity of 200*l.* a year, at an easy rate, upon condition to re-purchase it, at the same rate, when he was worth 5000*l.* And this was all done accordingly.

O et præsidium et dulce decus meum.

Bounty to his brother Mountagu.

His lordship had two brothers, merchants, and was very indulgent to them both. Of the first, which was Dudley, we have spoke already. The other brother, Mountagu, from a mercantile education, was sent out to be factor also at Smyrna, and his lordship made him the like loan, as he did his brother Dudley before; but, for his encouragement in trade, he put 1000*l.* into Dudley's hands to trade for him; to the end that his brother Mountagu might have the benefit of the factorage. But, at length, this method was found inconvenient, and like to make a great perplexity in ac-

counts; or rather not consonant to the rules of the Turkey company; for free merchants ought not to trade for others not free. Therefore the account was turned into an imprest at interest, and restitution, by a due repayment of the same, was made accordingly. And, as money yielded in those parts, a loan from England of 1000*l.* was a pension of value in Turkey.

Procured a match for his youngest sister.

Thus much for his lordship's brothers. It remains to show him no less successfully benevolent to his sisters; of whom only two, Elizabeth and Anne, remained unmarried. His lordship's father designed some skirts of his estate to be sold, to raise 1500*l.* a-piece for their portions; but, no proffer falling, the land was unsold. His lordship, by means of his acquaintance in the Lord Grey's family, found an opportunity to bring forward a match for the younger of his sisters, Elizabeth, with Sir Robert Wiseman, a civilian, and dean of the arches.* And this was through Mr. R. Grey's

* Author of a treatise entitled "The Law of Laws, or the excellency of the Civil Law," *London*, 1664. In this work, Sir Robert Wiseman defends at some length, and with great earnestness, the use of torture, as allowed by the Civil Law. In the course of this most extraordinary apology, he notices the observations of Sir John Fortescue, on this subject, in his *De laudibus*, and remarks, that "he could not have been so bitter in censuring the Civil Law, in this particular, if he had remembered with what measure of severity those that are arraigned for capital crimes are handled by that law which he does so much commend." (p. 75.)

wife (Ford), who, having acquaintance with, and being much respected by the knight, never left till, through decent steps and formalities, the match was made; and his lordship advanced the portion. He was an old man, but very rich, and withal a most just and good-natured person. He made no other settlement than, by a bond to leave her portion doubled, and said that, "it not being prudent to exceed the ordinary measure in those cases, he would do no more; but he would not have it thought his intentions were confined to that." After divers years living very happily together, this gentleman left her, at his death, near twenty thousand pounds.* And it was egregious to observe the more than brotherly correspondence his lordship maintained with Sir Robert; for he frequently made him presents, which he contentedly swallowed, and advised him in his money matters; and not seldom, when he scrupled venturing to share in securities, his lordship took his money and paid him the interest. All which, together with frequent intercourse of visits, and friendly, I may say learned, conversation, for both were judges in their respective courts, kept the old man in good humour, ending as I have hinted.

Like for the eldest, both honourable and advantageous.

His lordship was no less disposed to procure a settlement for his eldest sister, who had, in that

* The lady afterwards married illiam, Earl of Yarmouth. (*Collins*, iv. 295.)

respect, some disadvantage; and seeing that could not be done on a sudden, and in the mean time she was left alone without company, her parents old, and seldom visiting, he contrived to ease her mind, and to make her life more comfortable. She had a great dread of being left to any dependence on her elder brother, which added to the irksomeness of her solitude in the country. His lordship, who was an artist at obliging, prevailed with his parents that she might be with him, and keep his wife company; and he pressed also that, since she had lived so long single, and that there was but a doubtful prospect of any match fit for her, his lordship would put into her own hands that fortune he intended to give her; and, to make all easy, he would become purchaser of those estates that were the fund for raising these portions, and clearing his father of all debts on that account. The old lord admired the generosity of his son, and consented to all; but, instead of 1500*l.* he would put into her hands but 1200*l.* Hereupon she was removed to London, and lived with the Lady Frances in all the content that she was capable to enjoy. But, as old folks are apt to be jealous, so this good old lord suspected that his son Frank intended to make his sister pay for the board of her and her servant; which never entered into his thoughts. But when he heard that all was gratuitous, he was extraordinarily pleased,

and solemnly returned his thanks to his lordship for his goodness to his sister.

The match treated.

It was not a little propitious that this lady was settled under such an honourable protection, as she had by her brother in London, who, having her so near at hand, might better conduct any proposal of a match for her, (if any such came in the way) than if she lived remote from him in the country. It fell out that, by means of one Mr. Henry Parker, related by his match with one of the Hydes, a proposition was made to his lordship for a match of this sister with the only son of Mr. Robert Foley of Stourbridge in Worcestershire. The father was, by contract, ironmonger to the royal navy. That name and family sounded rich; and this branch had its share, but declining, as I shall show. His lordship joined and treated for 1500*l.* portion, and a jointure of 400*l.* a year. The old father fancied that a friend at court, so considerable as his lordship was, might be useful, which, together with his lordship's skill in dealing with such a touchy spark, drew a full consent to all. The young man was every way acceptable, and, left to himself, would not have chosen one that was fifteen years older than he was.* But

* The fraternal kindness of the Lord Keeper in this instance was only equalled by that of his cotemporary, Mr. Samuel Pepys, in whose diary we find the following candid entry;—"Up, to walk up and down in the garden with my father, to talk of all our concernments, about a husband for my sis-

finding that his father, by negligence, sottishness, and desperate projects, was in a fair way to utter ruin, he was glad, upon any terms, to get the estate settled; wherein he considered wisely, as, in consequence, plainly enough appeared. In short, the marriage was solemnized; and his lordship ordered, not only a sumptuous dinner, but a copious supper at night, and all the near relations, of quality, were invited; which, in all respects, appeared most generously kind and honourable. The new-married couple lived many years very well together; and, as old as she was, she had many children, lived to see them men and women, and, having outlived her husband, at her death, left them all in good circumstances. His lordship, finding his sister's family increase so fast, came up to his brother Foley, and, smiling, "You see now," said he, (as he was always facetious) "what comes of marrying a young wife."

This lady, with so little appearance, in truth proved an overgrown fortune to her husband; for his lordship, for the most part, while the old father lived, kept them in his house; for the present maintenance was straight. He was made Marshal in the circuits, which brought in pence; and, after his lordship had the great seal, secretary to

By loans, places, and assistances, she proved a great fortune.

ter, whereof there is at present no appearance, but we must endeavour to find her one now, for she grows old and ugly." (vol. ii. p. 137.)

the presentations, worth (honestly) near 300*l.* a year; and he lived all the while, with his family, at rack and manger in the house. But what surmounted all, was the aiding him with his purse, as well as advice and countenance, in working through a most perplexed administration of his father's personal estate. The old man died without a will; and his great dealings, of divers kinds, all in confusion; and it was very questionable whether all he left, when got in, which might amount to about 10,000*l.* would serve to clear his incumbrances, which were suspected to be as much or more. The assets were of divers kinds, some legal, others equitable: but the debts most by bonds and counter-bonds, and the creditors all in haste to be paid. So that it was a dangerous undertaking; and most of his relations, who, by counter-bonds, were his greatest creditors, were of opinion he should renounce; and then, perhaps, the administration would fall into their hands; and, by that means, they would be secure themselves. But his lordship encouraged him to take upon him the administration as a duty to his father, and honourable in itself; and showed him that, taking a right course, he would be no loser; and he determined accordingly. The danger lay in an unhappy point of law: for if two *plene administravits* are tried at the same assizes, the assets found at one trial, will not be allowed

in the next for a discharge of so much. This made the creditors all fly at him at once, each striving to get the start at law. The advice, in this furious case, was that he should, in the first place, confess judgments to his kindred for the penalties of their counter-bonds, and plead those judgments to all other actions against him, with a *non assets ultra;* and fraud could not be replied, because there was a real debt at the bottom of each, though not so much. By this means he covered his assets from being tormented at law; and then, by a bill in chancery, he called all the creditors together to prove their debts, and take what the court should order; and withal exhibited an account of all his assets, pretending no advantage to himself, or partiality to any. The creditors, seeing this fair proceeding, rather than to contest accounts, came to terms, and agreed to take shares, and installed times of payment. This gave him time to turn himself, and to make the best of his assets; and, in the mean time, his lordship, upon such security as he could give, laid down all the money as the creditors called for it, and took, from his brother, the money as he could raise it; and, in the end, made an account of interest in and out, as the method, in such cases, is; and so, with above 500*l.* advantage in his administration, perfectly set him clear. Such a felicity is a friend at need: and what a generous principle

is it to be such a friend, when also good counsel and sound judgment of safety concur?

Note of the family sustained by hislordship, one of ten children.

I have here showed how a half-decayed family, with a numerous brood, and worn-out estate, of the Norths, by the auspicious character of one child of ten, was re-edified; and all the rest lifted into the world with wonderful success; and no one of the whole pack miscarried, or were not in all respects (the eldest excepted) mutually helpful and assistant to each other; and none of them tainted with any vice or dishonour, nor the least favour of difference, or feud, found amongst them; but, from the first to the last, they maintained their fraternal amity and correspondence inviolable. I say (not derogating from the influences of a virtuous parentele) most of all these felicities were derived upon the patronage of his lordship, who may justly be styled the

Columen familiæ et fastigium domûs.

The history of Charles Crompton and his estate.

But now we dismiss the family, and advance to his lordship's benevolence to others. There was a young gentleman, known by the name of Charles Crompton; he was bred up by Sir Henry North of Mildenhall, and shrewdly suspected to have been his natural son. A wilder character of a man never was known; but, withal, he had some extraordinary talents, as industry, for example. If he fancied to write out a book, he would sit at it

as a hen upon her nest, and deliver it with scarce a sully or blot in it. He had an inexhaustible vein of artificial nonsense, and, at any time, if desired, would write a letter of such incomparable stuff, as, from a poet, would have passed for wit. He had a good estate in Yorkshire, and as soon as he was of age, he repaired to London in quest of those joys which young heirs dream of to be had there. He was soon scented by the Voltores and Corbaccios, who had fairly begun to pluck him; but he died before his estate was half eaten. His custom was to visit his lordship with view of borrowing; and his lordship was diverted by his amazing extravagances of discourse, and frequently lent him small sums upon his notes; but not without the superfluity of good counsel. He not only diverted, but instructed his lordship in all the rakery and intrigues of the lewd town; and his own follies were his chief subject to rally upon, as he did with most lively description and wit: particularly his being cheated of his best horses brought up to him from the North, and bubbled into a duel, which came off with an acquittance signed upon the cheat's back in the field, and was the very action which Mr. Etheredge describes in his play of "Love in a Tub." His lordship, perceiving this young gentleman going precipitously down hill to ruin, and that the scriveners had got hold of his estate, omitted no opportunity, with argument and

demonstration, to make him stop his career: and he promised to take his counsel, for he feared but two things; one was that he was Sir Henry North's bastard, and the other that he was a rank coward, which, known in town, would disable him to live in it. Once, in a melancholy humour, he would make his will, and his lordship must write it; which he did, and, after providing for his debts, he gave all to his sister. "But," said his lordship, "I hope to live to spend it myself." "Ay," said he, "write that, and add, to the wonderful improvement thereof." This was done, and the will signed and published; by the title of which the estate is held at this day. After this, he came to his lordship in the habit of a London 'prentice, and declared he was a going to bind himself to a merchant. His lordship bade him consider well, for, by his indentures, he would be bound to live chastely. "Ay," said he, "I have a trick for that; for I will find a merchant that hath a handsome wife, and lie with her during my time; and that will save my indentures." But enough of this bizarr monster, whom his lordship laboured to preserve, but could not. He died not long after; and what was left came to his sister. The younger Sir Henry North courted her, and they seemed agreed, but did not marry; which was thought to proceed from a scruple of conscience upon a point already hinted. However, when she

died, she left the estate, incumbered as it was, to him, and he was forced to stand a long and stiff chancery suit with the heir-at-law, who insisted that her gift was not a benefit, but a trust. At length, the cause was heard before Judge Twisden and two masters; and he dismissed the bill, declaring that the lover deserved more than *laborem* and *sudorem*, or, as we say in English, his labour for his pains. And then his lordship, who had advised and assisted throughout the process of this cause, completed the service by taking in the mortgage, and discharging the usurious trade which had been driven with it, and paid the money to Sir John Duncomb, who, seeing only a short assignment, indorsed, for him to seal, "What," said he, "is this all that Mr. Attorney requires? G— d d—mn all these lawyers; for here's a mortgage scrivened up to ten skins of parchment; and the king's attorney-general is content with six lines."

Redeemed Sir Charles Kemish from the scriveners.

His lordship always delighted to redeem his friends out of usurers' clutches, and so, without any loss or hazard to himself, but by retrenching charges and interest, exceedingly befriended them. And this he did for a relation on the Whitmore side, Sir Charles Kemish of Glamorganshire. He had been very wild, and had dipt his estate 6000*l.* deep by mortgage to an old usurer in London, at six per cent. He dealt by a scrivener who was an

artist; for, besides continuance money, he made him come to his house every six months to seal new defeasances, which increased the charge at every instance. He complained to his lordship of this usage, and had directions from him to give notice, as of course, to receive his money, and he should have it of him at five per cent. and be at little charge in the transfer. The assignment was approved by the old gentleman's counsel, and ingrossed with the common covenant against his own acts. At the day, the old fellow came, but would not seal; for he would enter into no covenants. His lordship was sent to, for directions, and he ordered that the money should be paid, upon a common acquittance, without his sealing, and, rather than fail, to pay it him, and keep only a private memorandum of it attested. The old man, seeing this close play, and foreseeing the consequences which were (not taking the money) to lose his interest, and be forced by decree to assign at his own charge, thought fit to seal the deed as it was; and there was an end. I cannot forbear, for the credit of the Welsh country, to remember an able steward Sir Charles had, who solicited his money matters for him. He was a thinking careful fellow, and all tending to the good and safety of his *mester*. Nothing could persuade him but that, if interest was not paid at the day, his *mester* must lose his estate; and, on that ac-

count he never failed to bring up the interest, and pay it half-yearly. How much a better man was this than a wit?

Saved Sir Peter Lely's estate by timely advice.

I have mentioned already his lordship's engagements of friendship with that great master of painting, Sir Peter Lely. His lordship considered, that if he, being a foreigner, (though naturalized) should die, his estate, by reason of some circumstances, would go to the crown, and not to his children, unless he made settlements, by deed or will, in his lifetime. This startled the good old gentleman, who begged that his lordship would put the matter in execution for him; and it was soon done according to his mind; and his lordship told him withal, that he would present him with a trustee, meaning his younger brother,* that should be worth an estate to him. This timely provision saved the estate. How, after his death, that trustee conducted the disposal of his pictures, &c. and bred up his children, was well known by the whole nation of virtuosos both at home and abroad. On the other side, Sir Peter Lely presented his lordship with excellent portraits of him and his relations, which are still extant and of great value; and between them, this was called commuting of faculties. But it fell out unluckily that his mansion-house at Kew-Green, being copyhold of the Duke of York's manor of Richmond,

* Roger North.

was not surrendered; so that, for reasons hinted, that, for want of a heir, escheated to the lord of the manor; and a courtier straight begged it, and had a promise. Upon this, his lordship's brother advanced his petition, and solemnly begged this escheat, and his lordship joined his request, for the benefit of young Lely.* About this time the Duke was in Scotland, and his lordship was pleased to write to Sir John Werden, then in waiting, to prefer his request to his royal highness; but, having no satisfactory answer, his lordship wrote to old Colonel Werden, more pressing and particular. Which letter, being very expressive of his lordship's sincerity and good will to his departed friend, as well as duty to his royal highness, is here subjoined.

"SIR,

Letter to save to his son a lapsed copyhold, the generosity of it.

"WHEN Sir John Werden was in Scotland, I "desired him to present a humble request to his "royal highness on the behalf of Sir Peter Lely's "son. Sir John was so kind as to embrace the "trouble, and wrote me word that the Duke was "pleased to receive the motion very favourably, "but deferred to determine any thing upon it, un- "til he had an account of the thing from Sir Allen "Apsley. I spoke with Sir Allen, who gave me "the most specious promises imaginable; but, "not hearing since that the matter is any way ad-

* A natural son of Sir Peter Lely, who died young.

"vanced, it is my desire that you would be pleased "to renew my suit to his royal highness. The "case, in short, is this.

"Sir Peter Lely purchased of one Mr. Mount- "ney a small copyhold of 19*l.* per ann. It was "holden of the Duke's manor. After the surren- "der, and before any court-baron, he died; so "that he was never admitted tenant to it. Sir "Peter's son, being born before marriage, cannot, "by our law, inherit, though he be legitimate by "the law beyond sea; and Sir Peter could not "settle it upon him, as he did his other estate, "because he was not admitted. Hereupon the "son cannot claim it. But whether Mountney "shall keep it, or it be escheated to the Duke, "may be a question. Mr. Mountney gives his "pretences to the child. The trustees, for the "child, are very sensible how indecent it will be "for them to have a contest upon the Duke's title, "and desire by all means to avoid it. I have ad- "vised them to submit to his royal highness; "which I make no doubt they will do, although "they tell me they have learned men's opinions "that it is no escheat.

"Now, sir, whereas there be two fines due upon "this estate, viz. one upon the purchase, another "upon the death of Sir Peter Lely, which fines, I "suppose, will be set at fifty pounds, or under, if "his royal highness will command his steward to

"set twice as much as otherwise the fines will "come to, it will be very gracious.

"It is my earnest desire that the Duke would "be favourable, and not look upon the thing as "forfeit, and the favour will be acknowledged as "if it were. I wish I could be thought to merit "such a boon, but my small sphere gives me no "capacity; and indeed I already owe all I have "to his royal highness's favour, and therefore "owe all I can do to serve him; from which I "shall never be diverted by fear, or any other "consideration.

"Sir, I ought not to think that I have troubled "you too long, considering I have another favour "to beg of you, which is, that you would be "pleased, at your leisure, to let me know if I may "hope for success. By that, and your pardon for "this trouble, you will extremely oblige, &c."

I have given this letter in the very words, because, if it is well considered, it will appear to be candid, respectful, and, for the purpose, charming. But this instance verifies the opinion some had of his lordship, that he was no courtier; for when did any such ever spend their own interest in procuring a boon for a friend? and much less when it is for a child, on account only of friendship had with its deceased parent, whence no return is to be expected but the conscience of having done a generous action.

His lordship endeavoured to preserve a livelihood to a poor woman: it was one Mrs. Jackson, who had a family, and fell under the misery of having her husband hanged for coining; but upon the testimony of persons worse than himself, and, considering the officers of the mint, and the trade some of them drove at that time, as like to be false as true. After his lordship had done what he thought reasonable, in his own person, he seconded the disposition of a friend by instructions, of which I find a copy under his own hand, which is as follows.

Used means to save a forfeited estate to a poor family.

"One —— Jackson, widow of —— Jackson, "who was executed at Tyburn for coining, petitioned his majesty for a grant of her husband's "goods for her subsistence. I moved the king in "her favour, and the king referred her petition "to the lords of the treasury.

"Her husband was a very ill man; but her "friends are very loyal and good; and, for their "sakes, I was desirous her husband might have "been pardoned, which had been moved by the "Duke of Albemarle. But because the prosecutors were the officers of the mint, and the crime "was rife, it was thought a pardon would have "done great prejudice to the public. His case "was this:—

"A fellow was accused for clipping who had "no way to get off but by accusing others; he

" accused this man, (who had been one of his " companions in roguery, and lent a room to work " in, and sold silver for him, but denied at his " death that he ever joined in clipping with him, " as he swore at the trial), and this man was " bound over, but at the sessions had nothing to " say against him; whereupon he was discharged. " For fear of this, the witness gets him taken up " again, and, though he said nothing against him " at the former sessions, now he preferred an in- " dictment, and swore so fully that he was con- " victed and hanged upon it.

" He denied the fact at his death, though " he confessed many ill things against himself; " and, which is very observable, the witness was " committed afterwards for stealing, and was " hanged himself.

" After all this set down, I hold no argument " ought to be made with such a reflection on the " proceedings of justice; but the only argument " will be that her friends are very loyal. She was " a gentlewoman of a good fortune; and it is but " a small matter that is left; and it would be " hard she should be utterly ruined when her " friends had interest enough to have got her " husband's pardon, if the example of the public " had not been concerned.

" It need only be said I recommended it, unless " the particulars are asked."

What was done in this matter, is not now material to be known. The design of this paper was, to get a favourable report from the treasury upon the woman's petition. The whole tenour of it shews a just and compassionate mind, and judicious expression; for which reason I have given it in the very words, for no epitome is sufficient.

Some benefactions. A general friend to the clergy; particularly Dr. Hickes.

I think it is of small moment to give an account of some pecuniary benefactions, as to Trinity college library in Cambridge, Trinity college in Oxford, and the parish-church of Harlow, and some others; because they were not great. It is enough to say that his lordship was a noted encourager of all learned foundations, societies, and persons; and most of all, the conformable clergy and their dignified superiors. He never failed to do them justice; which being their due, no thanks to him; but only as it was a strain of popularity to do them wrong. He revered their order, and advanced, rather than stayed to be importuned for his acts of benevolence and advices. He used to discourse familiarly with them, and communicate his schemes, as he thought might aid their understandings, in the conduct of their common concerns. And he used to take a freedom to ask their thoughts in questions of history, theology, and civil law. He advised them to study more of the common law than was ordi-

narily found amongst them. He had a great respect and value for the incomparable Dr. Hickes, sometime dean of Worcester. His lordship had knowledge of him first at the Duke of Lauderdale's, where he attended as domestic chaplain. He was a truly venerable, learned and pious Christian minister,* of a primitive spirit, patience, and resolution. In his stupendous work, entitled, *Thesaurus Linguarum Septentrionalium, &c.* in his preface to his grammar, *Franco-Theotisca,* fol. 8, he gives this testimony of his lordship's goodness to the clergy.

" Ante sedecim, aut eo plus, annos, vixit vir amplissimus sapientissimusque, et sui temporis jurisconsultus sine pare maximus, Franciscus Dominus North, Dominus Guilford, Carolo 2°. et Jacobo 2°. R. R. Angliæ magni sigilli custos, qui me multum et familiariter utebatur. Itaque multa ab eo prudenter disputata, multa etiam breviter et commode dicta memoriæ mandabam, ut qui fieri semper studebam illius prudentiâ doctior. Is autem, cum sæpe multa narraret, tum præclare memini domi in cœnaculo sedentem, cum et ego essem una, et pauci familiares, in ser-

* The partiality of friendship has led the author to present somewhat too favourable a character of this learned person, who displayed a very unchristian temper towards his opponents. He used to term Tillotson *an Atheist,* and Burnet *a Liar.*

monem de proceribus sacerdotii incidisse; in quo episcoporum vicem magnoperè dolebat vir maximus; utpote quorum authoritatem, diu in senatu labefactatam, tum ferme jacere dicebat, ex eo quod ad rotulorum parliamentariorum studium, contra prædecessorum suorum, qui in anterioribus sæculis floruissent, minime animos appulissent. Memini etiam sæpius audivisse illum vehementer hortari egregios è clero viros, tum qui facti episcopi erant, tum quos ad episcopatum destinatos esse sciebat, ut in rotulorum istorum studio, quas senatoriarum rerum quasi biblia appellabat, nocte dieque se exercerent."

In English to this effect:—

"About sixteen years ago lived that great and wise man, and the ablest lawyer of his time, the Right Honourable Francis North, Baron of Guilford, Lord Keeper of the great seal to King Charles and King James the Second. I had the honour of being one of his particular acquaintance, which gave me frequent opportunities of treasuring up in my memory many of his instructing discourses, and no less excellent sayings; which I never failed to do, being ever desirous of gathering from him wherewith to add to my own stock. But I remember, once in particular, that this noble person, whilst he was sitting in his parlour with only myself and a few more of his

friends, took occasion to enter into a discourse of the prelates of our church; wherein he expressed great concern for that order; in regard that the respect formerly paid them, after having been upon the decline for these many years, was now almost quite laid aside; which he attributed to their neglecting to study the parliament rolls, contrary to the custom of their predecessors in former times. I have likewise often heard him earnestly recommend the study of those rolls to some of the greatest divines, as well those that were already bishops, as those whom he knew were designed to be made so; because he said that, 'as to all parliamentary transactions, they were a very bible."

So testifies this great man, who cannot be accused of flattering a person then dead.

Enemy to all projectors and court harpies.

There are many passages, in the current relation of his lordship's life, which might fall in properly here; as the constant war he maintained against all monopolists, projectors, and other deceivers of the people; but, being of a public quality, I have not drawn them down in this place: only I must add here, as a negative benevolence, if I may, with respect to the actions of some others, so term it; that, when forfeitures of goods and estates flew about at court,* and the

* See a curious instance of this in *Sir J. Reresby's Memoirs*, p. 34.

harpies continually begging them, his lordship never had a thought of profiting to himself out of the misfortunes of families, as when the Lord R.* obtained the Lord Grey of Wark's estate, and the Lord J. that of Prideaux, &c.; but, on the contrary, as in the case of Jackson, where he saw reason, inclined to assist the miserables: and once, when his lordship interceded with King Charles the Second for his favour to one that was obnoxious, "It is very strange," said the king, most facetiously, "that every one of my friends keeps a tame knave."

Conduct amidst his family.

Let us now retire with him into his family, and show what he was in his private character, and how he passed his time when at a distance from the public stage; and there show him a no less indulgent master, than, as we have before demonstrated him to have been, a most serviceable friend.

After the death of his lady, his lordship parted with his house at Hammersmith, and passed much of his vacation-time at his great house in Wroxton, where he had usually with him his two bro-

* Lord Rochester.—Lord Grey had been concerned in Monmouth's rebellion. "He had a great estate, that, by his death, was to go over to his brother; so the court resolved to preserve him till he should be brought to compound for his life. The Earl of Rochester had 16,000*l.* from him. Others had smaller shares." (*Burnet's Own Time*, vol. iii. p. 1105.)

thers (one of the three being not then returned from Turkey) and his sisters, with their appurtenances, a company which he styles in one of his papers, *Societas exoptata*, or the company he was most desirous of. And those he never cared to be without when he might have them. At London, they fell into a cursory good fellowship, I mean in a civil sense; for, every Thursday night, the meeting was at Sir Dudley North's, in the city, and, on Sunday, with his brother, at his Chambers in the Temple; but, at his lordship's, almost every day. Which felicity had no allay until the appointments were known, and then some friends at large would find them out, which was not so well.

His thought of building and finishing his great house.

In the country, his lordship entertained himself with setting his great house in order; and although he was afraid of building, lest he might find himself engaged in over-expensive undertakings, yet he ventured upon a large order of stabling, very stately and convenient; and he built from the ground a withdrawing-room and back stairs, and finished up the rooms of state, as they were called, and shaped the windows, which, before, had made the rooms like bird-cages. He never would hearken to any designs of waterworks, or gardening, although the situation was hilly, and, in some respects, very inviting. But yet his brothers were always measuring and mapping; and these mo-

dellings pleased his lordship to look over and wrangle with them about.

He was a very indulgent master to his servants, and never parted with any but for knavery (when it appeared to him); and of that I knew but one instance, but that was a flagrant one. When he was solicitor-general, he took one John Zacharias Smarthwait, a fellow of good address, and creditable, and made him his chief clerk. When the town of Taunton-Dean renewed their charter, this forward fellow got to be employed in it: he imposed upon their credulity, pretending much service by his attendance upon Mr. Attorney, and, in the end, cheated them of 200*l.* His lordship neither allowed nor knew of any such trading; and it no sooner came to his knowledge, but he drove him away as an infection, leaving him to the town to worry as they thought fit; but he was secure in being worth nothing. However, they had a revenge; for he died a beggar, and crippled with the pox in White-Friars. His lordship's indulgence to servants cost him very dear; for most of them were but eye-waiters, and diligent only for fear of losing their places, otherwise negligent and wasteful. And he used to complain that he could not turn away an unprofitable servant, without being urged as if he went about to ruin the fellow.

His indulgence to servants.

His lady's good-nature and tenderness.

His lady had much of the same good-nature, and did all she could that the old servants might not think she wrought any thing prejudicial to them; and when his lordship mentioned any design of reform amongst them, she would say, "No; for then they would be worse than they were before." She had found out when her husband had any trouble upon his spirits; and she would say, "Come, Sir Francis," (as she always styled him) "you shall not think; we must talk, and be merry, and you shall not look upon the fire as you do. I know something troubles you; and I will not have it so." With many such obliging importunities, she put him out of his dumps. And these kind forms never offended him, as morose persons are often offended; but he corresponded with cheerful and engaging replies. And, on the other side, he was always tenderly concerned for her in all her sicknesses; so that her infirmities were not of one, but of two. And he always consulted and conferred with her physicians about her regimen, in order to better health. And, in the furnishing her with jewels, plate, or furniture, he always complied with her desires; which, circumstances considered, were not at all unreasonable.

His lordship's thoughts of a second match.

After a competent time, his lordship was not without thoughts of matching himself again; and beadrolls of reasons, *pro* and *con*, presented them-

selves to his mind, which took up no small time to digest, and thereupon with a clear satisfaction to determine; and, at last, the negative carried it. The chief reason, which he declared, was, that he would not have two broods in his family, to perplex him, and endanger the bringing disadvantages upon his children by the first venter. And thereupon he lived a virtuous widower, without scandal, and much to his honour, all the rest of his life. But afterwards, in his last sickness, while he was drinking the waters, he seemed to repent that he had not taken a wife; for then he thought that such a friend would have instructed him in a better regimen of health, as letting blood, and taking physic sometimes, which he had not done for many years, and might have prevented his fever. Besides, he fancied that, in the night, human heat was friendly. Once he was in a humour to blame his family physician for not watching his health better, and (almost) forcing him to take physic. But, when he was told that he used to repel from him all overtures of that kind, he seemed satisfied, and said no more. I remember he once asked his physician if he could cure his course of spitting, which was very troublesome. "Yes," said the doctor. "But then," answered his lordship, "will not that bring upon me worse inconveniences?" "I cannot answer for that," said the doctor. So the cure, of his best

cure, was not entered upon. When, after his lordship's death, the apothecary's bill was paid; the man, irritated with the executors' expostulations about the prices and the length of it, laid all the fault upon the physicians, saying, "he was to dispense what they prescribed; and that my lord keeper had been all his life an enemy to physic; but now he thought that physic had met with him."

Economy after his lordship had the great seal.

After his lordship had the great seal, his economy in London was very much altered. He had his stables adjoining to his house, and a formal (good for nothing) master of the horse; but he was an old cavalier, and a neighbour and acquaintance of the Wroxton family, and could smoke, and taste claret; which qualifications supplied care and skill in his office. There was a *major-domo*, or, rather, prefect of eating; and having a good stroke of his own, was fit for the employment. His table, which comprised the gentlemen servants, was kept in good order; but the inferior servants ate like harpies at the catch, and, to say truth, most scandalously. Those, whose office it was to observe them, gave themselves no trouble with such matters; and his lordship knew nothing thereof. What fell in his view, which was the butler's and waiter's offices, was very well performed. He had one gentleman waiter who was of a singular character; he was an arrant coxcomb, void almost of common sense, and yet the

most exquisite observer of his duty in all formal respects. He was as sure at call as the door-post. I never knew any one at the table look, as wanting any thing, that he had not instantly in his eye, and readily served. And to give one instance for all, to show the top of his formality: in travelling, if he were detached upon a message, he did not turn and go off directly, but rode before, and planted himself as making a guard till the coach went by, and then made his devoir; as much as to say, "I observe your commands; and have you any more?" With these observances he got credit with his lord and all the family; and dying, as he did, of a pleurisy, was accounted a loss not easily supplied. His lordship's custom was after dinner to retire with his company, which were not a few, and of the best quality in town, into a withdrawing-room; and the tea-table followed, where his youngest brother officiated; and him his lordship often set at the head of his table, for want of a lady, to carve. His suppers were in another room, and served in a more familiar way, and where his best friends, and some (painted) enemies ordinarily assembled. And this he thought the best refreshment the whole day afforded him; and before twelve, he retired, and, after a touch of his music, went to bed: his musician not leaving him till he was composed. So that never any person had more assured witnesses of his conver-

sation, than he had; and if ever music was a relief to a mind overwhelmed with troubles, it was so with him.

His lordship's privacy and solitudes.

Hitherto of his lordship's retiredments, but chiefly within his private economy, relations, and servants; without looking into the public, and as if he had nothing to do there; which, perhaps, may have led us to touch upon circumstances less proper to be noted in a life of his importance. But, now, I must cashier all those matters, and retire with his lordship into his solitudes, and show him there, as he was, both a moral philosopher, and a good Christian, incessantly labouring to improve the faculties of his mind, and also to coerce all exorbitances as well of his inclinations as passions. And if we find any real symptoms of his prudent, faithful, and (I had almost said) prophetic speculations, regarding either himself, or the vast consequences of his employments, we shall lay hold, and make the best we can of them, and say with Virgil,

—— "paulo majora canamus."

So I proceed to note his lordship's manner of direct and reflex thinking, and what endeavours, as well as artifices, he used to keep his mind at ease, his judgment steady, and, when wavering, to confirm it.

Mastery of his passions and use of *speculums*.

His lordship was sensible of many natural infirmities. I have already mentioned his innate

modesty, and how apt he was to passion, and, upon any offence, to inflame; and more than ordinarily inclined to be amorous: not forgetting that, coming into the world with little in present, and nothing expected from his family, he was very solicitous of keeping within compass, and then to improve his fortunes. And yet he broke through his temper, and acquired a commendable assurance, and kept under his passions to such a degree as made him be thought mild and dispassionate; and, while unmarried, lived virtuously, and without the least scandal, or occasion for it; and, as his condition mended, became easy in his expenses, and bountiful to many. It may be now asked by what arts and assistances he gained these great victories over himself. I must answer first, in general, that strength of reason and rectitude of will gave him such a mastery over his temper: but withal, 1. That when he fell under any deliberation of great concern to him, and the point was nice, and stood almost in *æquilibrio*, he took his pen, and wrote down the reasons either way, as they fell in his mind, in any words, or manner of expression, and had that paper, for the most part, lying in his way; which gave him frequent opportunities to weigh the cogency of them. 2. When he observed himself, in his mind, unsteady, or disturbed, he set down the truths that ought to confirm him; and

so upon occasion of divers emergencies of his life. And these he titled *speculums*,* which frequently admonished him of some growing fondnesses: for when he perceived the rising of them, he took up his *speculum*, which soon reduced them. Of these *speculums*, he had many that lay loose about his desk; and but few of them are come to my hand: and some of such as I have, I shall present as specimens.

Reflections upon a passage at court.

His lordship, by certain symptoms, observed some mischief brewing at court, which drew him to set down these notes, that he might often reflect upon them.

"Why hastened?"

What the matter was, which occasioned this quere, I cannot remember, nor, with clear satisfaction, guess. Probably it was the reform of the council, whereby the Lord Shaftesbury, and all the mal-contents were let in. Perhaps the following may explain it.

"For that impressions, made at Newmarket, "should not be removed here."

It was usual for the perverse party at court,

* The English of this word is a looking-glass, or mirror, wherein any one may see his own image. And from thence his lordship, by a metaphor, called these papers *speculums*; because, as a man looks in a mirror, in order to be acquainted with his outside; so by looking upon what was written in these papers, he might see his inside, and have a thorough knowlege of the inner-man, his excellencies, and imperfections. —*(Note in the original Edit.)*

when the king was to be wrought upon to do somewhat cross to the ministry, to besiege him at Newmarket, where they (the ministers) did not attend, and, having gained a resolution, at the return, to precipitate the dispatch, lest better advice should alter it. This seems to have been at the vernal meeting, and agrees with the former conjecture; for the experiment was tried not long before the meeting of the abhorring parliament.

His lordship follows this with these queries.

" Why such a stir to oppose petitions?"

Queries touching devices of his enemies.

It was foreseen that the parliament would be very severe against the anti-petitioners; and who should be moved to oppose them, but such as were already obnoxious? and that course was most like to expose them to the fury of the parliament. And this was a hopeful way to have the king's friends torn from him.

" Why must judges be commanded to discoun-
" tenance one, and to show a diversity?"

This was noted elsewhere, where it is remembered that the Earl of Sunderland (always in dark practices), in the abhorring vacation, ordered the judges as here is queried; and, withal, to declare that the laws of recusancy should not extend to protestant dissenters.

" Why commissions purged upon that point?"

That is, for being concerned with the petitioners, or, at least, not being active in opposing petitions.

" Why corporations held to the oaths ?",

These oaths were proper for officers in corporations; but it was required they should be pressed upon all freemen, contrary to law.

" Why were commissions of association pressed; " and the bailing of the Earl of Danby ?"

When the charter justices would not, as they seldom would, do their duty against sectaries, and seditious persons, it was urged that the king should associate other justices out of the country, by special commission, to sit and act in the corporation with them. I do not remember that any of these issued; but the legality of them was more than suspected; and they would have malcontented the corporations, having the clause *ne intromittant*, in the highest degree. And, as to the bailing of the Earl of Danby, who lay committed upon an impeachment by the parliament, it was urged that it should be done by the oyer and terminer at the Old Bailey. His lordship was of opinion it could not be done.

" *Causa patet.*" The reason is plain.

All these matters were extraordinary and irregular, but would have been matter of furious blame in the House of Commons, and fallen hard upon the king's forward friends. And that was it which his lordship understands to have been the intent of the Earl of Sunderland and others that pushed them; and not a little pointing to aggravate his

case in parliament. But this will appear more luculently in the next.

" Why must I discharge the jury for fear of a " presentment; and such ado about the sheriff of " London, and application to discharge others after " ill ex. and Rec^r. put K. upon it, and Sec. I come " of that mess.

" *Causa eadem.*" The reason is the same.

It was foreseen that the ignoramus jury, at the sessions, would present the Duke of York as a popish recusant. To prevent this, by a discharge of the grand jury, would have drawn an accusation; as, for the like, the judges of the King's Bench were impeached. His lordship put by this indiscreet, or rather treacherous, pass, and let the presentment come, and then it was immediately removed by a *certiorari*, which did not afford any matter of charge. The stir about the sheriff of London, I suppose, was the order to reform the panel, noted in the Examen; which was much squeak and no wool, but an impertinent contention to no profit. And that order was managed and carried by his lordship, and some of the panel discharged; which he thought of no good example, and deems that the Recorder Jeffries, and the Secretary Sunderland, put the king upon insisting that, not being against law, it should be done, and also that those courtiers intended by it to heap coals of fire upon his lordship's head.

"To make electors take the corporation oath, "and charge the judges to see good juries of anti-"petitioners, and scrutiny afterwards."

This of oaths was touched before; but this brings it to the parliament; which would have been termed downright packing the parliament, though, as to choice, it had signified nothing: for, at that time, the temper of the public would not admit a choice fair for the crown; and these provocations did but exasperate the ill humour: and the charge to the jury was an egregious trepan; but frustrated, as hath elsewhere been noted. I am not satisfied as to the meaning of scrutiny afterwards. Perhaps it intends an inquiry into the behaviour of the judges, and who obeyed orders, and who not.

A remarkable passage.

This following passage is somewhat remarkable, and therefore I shall insert it here.

"Mich. Sir Edward Hales." *

* Sir Edward Hales was the personal friend of James II., and was by him appointed colonel of a foot regiment. Sir Edward being, in fact, a catholic, neglected to take the oaths of allegiance and supremacy, according to the statute 25 Car. II.; and being sued for the penalty incurred thereby, pleaded that the king had dispensed with his taking the oaths. The great question of the king's dispensing power consequently arose, and was debated at length. (*See Howell's State Trials*, vol. xi. p. 1166.) When James fled from England, he was accompanied by Sir Edward Hales. (*Life of James II*, vol. ii. p. 251.)

This Kentish knight was a man of florid parts, and had made some undue advantage in dealing with one of the sons of Mr. Lechmere, a bencher of the Middle-Temple. This was referred to his lordship; who, finding the case foul on the part of Hales, determined against him. But, at this time, Hales, though somewhat concealed, was no better than a papist, and had engaged all the court interest, of that party, to urge in his favour; which gave his lordship no small trouble, and occasioned this remembrance of him, intended to be explained at leisure. After his majesty's demise, this Sir Edward Hales declared himself a papist, and was a busy agent in managing the projects of that party in Kent.

His lordship had some affairs upon his hands which were difficult to manage; and those he noted under the title "*difficilia*," or difficulties. Difficulties about the great seal.

"Want of pension."

That is an addition of 2000*l.* per annum more; for the Lord Nottingham had 4000*l.* per annum, which, to his lordship, was screwed down to 2000*l.*, on pretence of depending on the king's bounty rather than bargain. And it seems he had an intent to have moved on this head; which was a difficult matter for a non-courtier to undertake.

"Controversy *inter* grands, E. of Rochester "and M. Halifax." Disputes among the great ones; E. of Rochester and M. Halifax.

This was about the contract with the farmers of the excise and hearth money; of which before.

Reflections upon his person and state.

After the king's demise, and his brother James succeeded, his lordship was overwhelmed with sorrow; and however commonly he was used to give vent to his troubles, and, by converse with his nearest friends, ease his mind, now, it was too full, and he held it in to his great oppression, and expresseth himself in his memento thus.

"*Ne redintegretur planctus, et contemplatio "dolorosa, et gemitus maximi et continui, et pavor "erga omnia, et torpor, et insomnia.*"

Let me not disquiet myself afresh with lamentable and melancholy apprehensions of what may happen; or renew those excessive and continued groans, attended with fear on every side, which break my rest, and even deprive me of my senses.

His lordship saw no end of evils that impended on this change, and here tries to ease his mind upon his paper in this pathetic prescription.

"*Deus dedit occasionem optimam, quæ minime "est negligenda; solatium enim est nimis breve, et "subito transit.*"

God has given a favourable opportunity, which must not be let slip; for the comfort I shall have, is but for a little while, and will soon pass away.

This respects his purpose of quitting the seals,

whether it were upon occasion of the king's demise, or in the time of his last sickness:—when that purpose was confirmed in him, and he did what he could to put it in execution, doth not appear in this paper. I am inclined to think the latter; and the occasion to have been his weakness, which most was sensible to him at that time: and then he reflects on the consequence.

"*Semper idem; otium dat observationem et pas-*
"*cit lienem.*"

Never the better; leisure does but give time to think, and feeds the spleen.

This reflection is very profound; for it is a vanity to expect ease in retiring from the world; for the case will be still the same. A man cannot run from himself, but his thoughts will follow him; and if he has not troubles from without, to divert, he will have more attention to himself; and splenetic humour, of which his lordship was afraid, will arise. But, for an inward comfort, as he was, he contrived this *Speculum*, entitled

"*Bene.*	Well.
"*Conditio aptissima.*	His qualifications most fit for the justice of the chancery.
"*Honor augens et divitiæ.*	Increase of credit and riches.
"*Reverentia universa.*	Universally respected.

"*Societas exoptata.*	The desirable company of his brothers and friends.
"*Negotium continuo divertens.*	Kept in full employ by the business of his place.
"*Beneficentiam exercens.*	Doing good to his friends and servants.
"*Modestia laudata.*"	Approved modesty.

The next is a *speculum* of all the evils that may happen, with the apt remedies applicable to them; and this he titled *Speculum Magnum.*

"*Quid causæ?*	What is there to make me uneasy?
"*Inopia?*	*Satis quod sufficit, aut nunquam.*"
Want?	Enough, now or never.
"*Onera?*	*Corpus sanum, sit ita mens.*"
Difficulties?	Sound in body, let me keep my mind so.
"*Metus?*	*Objectum nullum nisi phantasma.*"
Fear?	Nothing but fancy to affright me.
"*Infamia?*	*Notus es, et expectatio vera.*"

Disgrace?	They knew you, and you have not balked their expectation.
"*Pudor?*	*Irrationabilis, et abigendus.*"
Shamefacedness?	Unreasonable, and to be drove away.
"*Solitudo?*	*Remedium amarius.*"
Solitude?	Worse than the disease.
"*Senectus?*	*Levamine indiget.*"
Old age?	That wants support.

Speculum respecting his successor.

His lordship perceived plainly that the adverse party were setting up Jeffries to supplant him, and gave him all encouragement to be troublesome; which, as his lordship thought, might induce his giving way to make room for him. And regarding that case, his lordship wrote this, and titled it, *Speculum alter.*

"*Null. pavor de penur.*	Not afraid of being in want.
"*Null. reproach pro ebrietat.*	Not reproached for drunkenness.
"*Null. Magdalen Compl.*"	No ways concerned in the complaints from *Magdal. College.*

These seem somewhat comparative; for Jeffries was tainted with all these.

His lordship framed another *speculum*, respecting a private state, which had place in his soliloquies, and is entitled, *Speculum tertium.*

" *Optimum retire.*" It may be best to retire.

After all the advantages he could propose to himself in his Keeper's high station, a private life was safest and best.

" *Turbatio bene interpret.*" My confusion would admit of a favourable interpretation.

The disturbance he found in his attention and countenance, which is touched elsewhere, would have no ill construction, as he thought it might have upon the bench.

" *Satis quod sufficit.*" I have sufficient.

Non-increase of wealth, no grievance while he had sufficient.

" *Colbert pro posteris.*" Let posterity think of Mr. Colbert.

This great favourite, under disgrace, was very ill used; and let that concern his successors; as for himself.

" *Fouquet pro present.*" As for the present, let Fouquet be an example.

Disgraced also, and dealt ill with; but then turned loose to shift for himself.

" *Quid timendum?*" What have I to fear?

Here his lordship accuseth himself for using the

instances of these disgraced ministers, who acted high in matters of state and war, and might be obnoxious. But he acted in a confined post, and having a good conscience, and nothing of mal-administration, or corruption, to be laid to his charge, what had he to be afraid of?

"*Promotus es, et omnes defectus ante apparuerunt.*" They promoted you, and knew all your failings before.

If he were unfit for a court station, as he suspected himself to be, and they must needs know it beforehand; why did they not let him alone, but promote him? This lays his own failings at their door.

"26 Sept. 1684, lord chief justice of the cabinet "council, much to my ease and relief."

It was obvious that this bringing Jeffries forward, was to prepare him to succeed his lordship, then, by the rising party, resolved to be laid aside to make way for him. But the king had no such thought, and, if he had lived a little longer, he had broke all their schemes. I heard his lordship say, that he took an opportunity to thank his majesty for the ease he gave him in this pass, as to advising his majesty in matters of law; but he did not say that the king made him any answer.

Reasons against pardoning recusants.

But as to the motion for pardoning all recusants, mentioned elsewhere, the job for which Jeffries was especially introduced, and which was

(singly) opposed by his lordship, I find a paper in which his reasons are concisely expressed.

"Papists, 2 October, 1684.

"There is no need (for such pardon), for, if they are not punished, they will be envied, not being sheriffs, justices, deputy-lieutenants, jurors, &c.

"The punishments are but three. 1. Præmunire. 2. Thirds. 3. Disability upon convictions.

"They avoid the first by bribing gaolers, under-sheriffs, and bailiffs, so that they are not in prison.

"And, 2. Nothing being found, nothing is levied.

"And, 3. They may be brought under disability at the suit of a common person.

"This will discontent the gentry, and make them lean on the other side.

"Their hearts cannot be lost; but should serve cheerfully: else, the whole use of the law is lost; for they are sheriffs, &c.

"If the gentry are discontented, the rabble will quickly be poisoned by preachers, &c.

"And then what will force signify, though not opposed? If they are cursed, whenever any disorder comes upon them they pay for it.

"A revolt of the least part, to the temper of the people, prevails against all the rest. Any foreign war, or remote rebellion, will bring it."

"Be no more angry with superiors for not "doing as you advise, than they are for your not "advising what they would have done."

This is a prudent memento for counsellors of state, to keep down anger and discontent, when their advice, though most salutary, is not taken.

Of the test laws, and parliaments' and his lordship's thoughts of the same.

In the parliament in the reign of King James II. the experiment was tried whether the commons would allow military officers to serve without taking the tests against popery: which was, with a temper, refused; for it was offered to dispense in particular (by name) but not in general. The tendency of the court was, to have the test laws wholly set aside; for which this, of the military men, was to have been an overture to let in the rest. But this refusal made it improbable that the parliament would ever be brought to it. Whereupon followed the point whether the parliament should be prorogued, or dissolved. The desperate party were for dissolving, and using means to procure elections that should be better inclined; and, if that failed, to do it by his majesty's authority, and shifting without any parliament at all. And what followed afterwards, viz. of closeting, regulating, &c. the histories must show. In the mean time, his lordship's counsel, not to dissolve at present, but to prorogue, was taken; and absolutely contrary to his counsel, the parliament

was at last dissolved.* Which pass was, in consequence, as matters were carried, the ruin of King James II. But, in the working of these matters, his lordship discerned plainly a design to change the government. Which gave his lordship many melancholy reflections; and, as hath been showed elsewhere, disposed him, once for all, to be free with his majesty, and show him his danger; which he did, and, in a scrap of paper, hath preserved his reasons under a title taken out of the *Arcadia del Carpio.*

" *Pensiamentos meos caminad sin miedo.*"

My thoughts walking by myself without fear.

" 1. Question of right is most plain."

This refers to the parliament, and the triennial act.

" 2. Condemnation of past actions for not do-
" ing it."

For all antecedent passages, as the stop of the Exchequer, indulgences, Dutch war, French alliances, &c. for which the faction had formerly calumniated the court, will be again ripped up, and charged as a continual design of arbitrary power.

* This dissolution must be regarded as a very happy event in our history. With a little management James would, in all probability, have rendered them subservient to his worst wishes. " It would have been difficult," says Burnet, " to have found five hundred men in all England so weak, so poor, and so devoted to the court, as these were." (*Own Time,* vol. iii. p. 1140.)

"3. Indifferent men lost, and those the gentry."

These were such as were not attached to the court, but followed for duty and public good.

"4. They will be a torrent irresistible. Better "an ague than a fever."

The clamour upon breaking the triennial act. The ague may mean some discontents and differences with the parliament sitting; but the fever is the discontent of the whole people without parliaments.

"5. Old law not clear in the intent, yet founda- "tion of the triennial act, odious, this is posi- "tive."

The old law was, that there should be a parliament every year, or oftener if need required. This was once set up to dissolve the long parliament whether they would or no; which the parliament resented, and sent four lords to the Tower; as the histories of the time, and particularly the Examen, will show. By the odious is meant the triennial act in the reign of King Charles I., when, for failure of writs, officers, down to constables, were to summon a parliament; but, as settled in the reign of Charles II., it is enacted positive for three years, without ifs or ands to colour a discretionary power.

"6. How comes posture to be good, but by be- "ing in the right?"

This is opposed to the pretence of the courtiers, viz. that now the nation was in a posture of firm

loyalty to the crown, and would digest any thing; but his lordship thought that what right had built, wrong would destroy.

"7. No strength, nor justice, when the people "are poisoned, and the income depends upon it."

When the people side with the crown, it is strong against sedition: else that will soon grow up into rebellion, and the magistrates will be slow to act, and juries will be unruly; which would many ways affect the revenue.

"8. Faction will unite upon this point, and "press nothing else; and they will have such "company as will be hard to resist."

Sects, opposite to each other, will all unite in this; and the loyal church-party, the nobility and gentry, will all join forces in a matter so popular.

"9. This will be a standing topic, and a conti-"nual claim; and it can never be imputed as a "favour to have it."

The good will, lost by forbearing parliaments, will not be recovered by granting them, but remain as poison in a wound which will not readily heal.

Another paper to the same intent.

This paper may have been out of the way; and his lordship wrote upon another to the same intent, but more explicit.

"1. Right is plain, positive by new law; prevail "hitherto by being right."

That, which made the crown so firm at this time, was the having done the people right as to parliaments. The people were found to take part with the crown, even against the parliament, when that acted exorbitantly.

" 2. Their actions justified, and your's con-
" demned."

But if there be differences between the crown and parliament, and, thereupon, parliaments are discontinued, the people will justify the actions of the parliament however unreasonable, and allow no reason for the discontinuance.

" 3. Torrent of the people irresistible. Neither
" laws nor arms can prevail."

This was fatally proved by his majesty when his army revolted; of which this was a prophecy.

" 4. Faction will unite, and have all on their
" side."

See before.

" 5. They will press nothing but this; and all
" other things must yield."

Whatever matters of discontent have place with the people, they will say nothing of them, but urge for a parliament; and, that obtained, all other grievances will break forth, and no good humour to be expected.

" 6. To dissolve, not discontent all, because minor
" parts in the house; and in choosing, they will take
" part; but not to call, discontents every man."

When King Charles II. dissolved his last Westminster parliament, he called another, at the same time, to meet at Oxford; but, at this time, it seemed not to be so intended. Therefore, the discontent would take place as if there were to be none at all; as had happened, if King Charles had not prevented the clamour as above.

"7. That is always rightfully done, but not this."

That is, the king may rightfully call, or dissolve; but, subsist without parliaments, he may not.*

Another paper carries some farther notes, to the same intent, which I shall not omit.

"1. Whether change the government? Sup-
"pose not."

It was not pretended that the government should be changed as to laws, taxes, &c. But this note seems to suspect it.

"2. If can subsist against a general discontent?
"Guards will be no real help.† Revenue disputa-
"ble and transitory; not like land, but popular."

This query is answered in the negative. Guards may revolt. Revenue riseth by collection from the common people. And, being mostly temporary, who should renew it? For it is not like land, which is not contentious, and is perpetual.

* For proof of James's design to govern without parliaments, see *Dalrymple, Appendix*, p. 158.

† See Lord Essex's letter to the king, pressing him to dissolve his new guards. (*Dalrymple's Appendix*, p. 231.)

" 3. If cause discontent, justly, or actually?"

That is, discontent is caused; whether justly or not, so long as it is actually. so, the effect is the same. Some courtiers argued that they were not to regard discontents; for there will be such in all governments; and if there must be no discontents, there must be no government at all. But is there no difference between discontents with, and without just cause?

" 4. If dissolving can cause such discontents?"

This may be answered affirmatively; for dissolving hath often been counted a grievance. Then the argument runs, why should you cause discontent, if it may be avoided?

" 5. What consequence, when the parliament " doth meet?"

Lamentable.

" 6. Lamentable; reflection upon fair weather " and security. Better an ague fit than a calen- " ture."

This answers the former; and when the parliament meets, at worst, it is but as a fit of an ague, a turn of cold and heat, and then fair weather, and security, for a time; which is better than calenture without intermission, with danger of concluding in destruction.

"It may be thought that much of these notes here might have been spared, being dark, and the matter, in some points, repeated. But, consider- Reasons for inserting these notes.

ing that they contained the substance of what his lordship advised the king with respect to his safety by parliaments, and the nation's peace, I would not drop any syllable that I found wrote by himself of the same matter, although in a different phrase. For the image of his lordship's interior thoughts, both as to himself and his duty to the public, are here painted in most lively colours; the like of which I have not known to appear in any other written life. I have ventured to annex a sort of comment, but am not sure I have touched his intimate sense in all points; but, having heard him discourse over most of the public matters, I believe, I am not much out of the way.

His lastmelancholy.

His lordship began to find himself decay, and who could hold out long, and strenuous, in such deluge of affairs, and all laid to heart, and not, as with some, let pass slightingly? And he began to complain of disturbances, which he termed the upper flowing of his blood, in these words, as his pen left them on a scrap of paper.

"*Sursum flux sanguinis, qu. causam, prospice "finem; det Deus. Speculum consule.*"—Flux of the blood upwards. Qu. The reason. Look for your end. God give it. Consult your speculum.

This imports more than a rubor in his countenance, which he, sometimes, thought too much, but some disorder that he found in his head, im-

puted to such flux upwards. This, as I take it, was not long before his fever, and, at that time, letting blood might have prevented it; but he always was averse to that operation, and seldom or never used it. I believe here we want a speculum; for those that were found do not correspond with this case.

His resolution and proffer to resign the seal.

I have already showed that, after his lordship had come out of his acute fever, and laboured under a consuming hectic, he found his strength continually decay, and resolved to quit the great seal, and retire, hoping that way to recover his health; and wrote to the Earl of Rochester to procure him the favour of his majesty's acceptance of it. But the earl put him off, desiring his lordship might continue keeper, and be a screen to him in staving off the Popish work. And thereupon his lordship wrote to him the following letter:—

" MY LORD, June 11, 1685.

" Having once discovered to your lordship" (his petition for leave to resign the seals,) " the effect of melancholy, you may believe it still in my constitution, and think what I write proceeds from it. But I pray believe that, if there had not been an apparent necessity, I should not have been so abrupt, at such a time, in the middle of a parliament. The truth is, every night is a painful fever

to me, and my stomach wholly gone; and, having an opportunity these holidays to do something towards my health, I put myself into the hands of a doctor, who assures me of a speedy cure, by entering into a course of physic. My lord, this were nothing if my strength would serve me. I would defer complaining, though with hazard of my life. But my weakness is such, and the pains of my head so great, that I can hardly hold up my head. I am confident I shall not be able to do it many days. I will be at the house to-morrow, if I possibly can, to wait on your lordship."

This produced the leave his lordship had to retire, with the seal, to Wroxton, where he died, as has been before related.

Summary character.

Now, to conclude with a summary character of his lordship. He was descended of a noble family, virtuously educated, an early student in the law, signalised in his first performances, preferred for his abilities; passed gradually from the meanest initiation of practice, through every degree of business and preferment in the law; court keeper, practiser in the King's Bench, chief in his circuit, king's counsel, solicitor-general, attorney-general, chief justice of the Common Pleas, lord keeper of the great seal, and created a baron: and, in all this walk, trod upon no man's heels; for he entered only by vacancies, and never by ungrateful removes, and was helpful, and a friend to those whom

he succeeded; especially the Lord Nottingham, who almost owned him for his successor. Whilst he was chief justice, he was taken into the privy council, and then into the cabinet. He travelled most parts of the kingdom, as judge in the several circuits, and gained the friendship, I had almost (and well I might have) said the love of the chief gentry of England, who afterwards stood by him against divers attempts to remove or dishonour him. And notwithstanding his continual employments in church and state, and many thought his room, or rather his places, worth crowding for; and however, in nice matters, it is more than human not sometimes to err, yet he stood against all as a rock immoveable; and nothing was ever found, even by the most discerning of a popular faction, that would, or (with truth) could impeach his fame, probity, or honour. He served the crown steadily, and according to law; and ever gave cogent reasons in public for what he did. 'No impression of fear, flattery, or interest, did ever taint or divert his justice. In his person, he was modest to extremity, and yet, in doing his duty, enough assured. He was a declared enemy to all pomp and vain glory. He was not an orator, as commonly understood, that is a flourisher, but all his speech was fluent, easy, and familiar; and he never used a word for ornament, but for intelligence only; and those who heard him speak, though in

ordinary conversation, had scarce room left to ask any explication or enlargement. He was a lawyer (modestly speaking) not inferior to any of his time, and knowing in records and histories, not only of England, but in general. He was master of the European languages, as French, Italian, and Spanish, and had entered into those of High and Low Germany. He was adept in natural philosophy and mechanics, and no stranger to the mathematics. A musician in perfection, both practic and speculative; being a performer, composer, and (in print) a philosopher, as to the most recondite secrets of that art. He was covetous of nothing more than the society of the virtuosos of his time, as Lely, Moreland, May,* Moor, Flamstead, and others of that tribe, who all courted him, and embraced his conversation, and many owned to profit by his encouragement and protection. He was civil and affable to all, and conversed, even with his enemies, without offence, and hated to be waited upon, when he might give dispatch. His course of life was unexceptionable; no manner of vice encouraged, nor by him known, within his walls. His diet plain, and meals hospitable and profitable. His most intense study was to amend whatsoever he found amiss and amendable, where his employ-

* Hugh May, comptroller of the works at Windsor Castle, and one of the commissioners for the rebuilding of St. Paul's, an architect of considerable repute.

ments gave him means, and a latitude to do it. His zeal was to do all the good he could to his country; and that he thought best done, by supporting the church and crown of England in all due and legal prerogatives; and thereunto he adhered during all his life; and no motive whatsoever made him swerve. Whatever he did in public was legal and effectual, without any affected lustre, or handles to fame, if he could avoid them. No wonder he is so soon forgot. He never had, nor asked, for profit, any boons of his majesty; and, at the end, left but a moderate estate to his children, which one would think should have been, by common profits, much more: but thereby he demonstrated that corruption had no share in what he left. In short, he had a virtuous disposition, orderly and regular course of life, void of all pride and affectation; the utmost regard for truth and right; a vast extent of skill in the law and national constitution, and knowledge of men and the world; the love and esteem of the best; impartiality in his justice, and dexterity in the forms and administration of it; sense of his duty, public and private, with industry and affection duly to perform it; he was patient in hearing, modest in determining; compassionate in severities, orthodox and exemplary in the established church, and averse to all its enemies; for all which, he had a visible temporal reward; and that is, dying as he

lived, without stain or diminution of his honour, authority, or greatness, in the height of which he left the world. This character, which I have here given, is not out of opinion, rumour, or any means of fame whatever, but the result of my own personal knowledge and proof; and, at the hour of death, I can veritably swear to every article of it.

THE LIFE

OF THE

HONOURABLE SIR DUDLEY NORTH.

TO

DUDLEY NORTH, Esq.

Sir,

So near a relation as there is between yourself and that honourable person, whose life and actions are recorded in the following sheets, I flatter myself will be thought sufficient reason for my begging leave to address you in this manner. The whole community indeed has, some way or other, a general concern in the clearing up of the history of any considerable person who had ever been a member of it. But I am apt to think there is not any body but who must receive a more than ordinary satisfaction, from seeing the character of a truly great man, and his own almost immediate ancestor, vindicated from obloquy, and set forth in such a light as it justly deserved. For we see the regard usually had for the memo-

ries of great and good men occasions often a particular respect to be paid to those that succeed them; and, on the contrary, it is known by experience that some of the infamy will, for a generation or two at least, unavoidably stick upon the descendants of a knave.

But, Sir, besides this, I persuade myself that a man of your sentiments of things will the more readily patronize this work, as what will give you the satisfaction of finding that the estate left you by your ancestor was not founded upon the ruin of other people, nor followed with the curses of your own country. But as the getting of it was attended with honour and credit to himself, so he made it, when got, an instrument whereby he was capacitated to serve his country in posts of greater consequence than otherwise he had been able to do: and as at first the effects of his good will could be felt but by few, so, with the increase of his fortunes, his generosity extended to greater numbers, till at last he had it in his power to make the whole community sensible of the happy effects of those extraordinary talents it had pleased God to endue him with.

It may indeed be objected here that all this is very fine if it were true; and I doubt not but you yourself will reflect how insignificant all this must be that I have here said, if no facts are produced in support of it. But of those you will find no want in these papers.

But we shall be never the nearer for all this, if those facts are not to be relied upon. And to this I have the satisfaction of being able to reply, that there is one particularity attending this work, which deserves to be noted: and it is, that whereas the two former works of this honourable author were wrote, the one, on purpose to vindicate the best of brothers and the best of friends; and the other, to wipe off some obloquy from that king under whose protection and encouragement they both got what they had; and when the writer was exasperated not a little with the prodigious iniquity of a powerful faction in those times, of which he was an eye and ear witness; yet nobody has hitherto presumed in the least to question so much as one single fact he has positively asserted in either of those works; although they contain not a few, and those unknown before, and of the

utmost importance to a right understanding of the history of those times.

This, Sir, I am persuaded will be sufficient to give you a full assurance, that what is here related must be undoubtedly true, though penned by the honourable author in express vindication of an own brother and no less bosom friend; and thereby dispose you readily to countenance whatever he has left behind him towards that good work: not to mention those two great names that have gone before you in this thing.

As for myself, it will be happiness enough for me to think that Providence has made me an instrument of publishing to the world, a full vindication of so illustrious an ancestor of that worthy person who has laid so many obligations upon,

SIR,

Your most obedient

and obliged humble Servant,

MOUNTAGU NORTH.

THE LIFE

OF THE

HONOURABLE SIR DUDLEY NORTH.

THE Honourable Sir Dudley North, knight, was the third surviving son of the second Dudley Lord North, Baron of Kirtling. The whole family relation was declared in a preface to the account of his best brother the lord keeper; wherefore it is here omitted. He was born 16th of May 1641; and the christian name of Dudley, as I have heard, came into this family by the means of Dudley Earl of Leicester, who was a godfather at the christening of the first Dudley Lord North, his grandfather. Why, or how it happened, that this name fell to the share of a younger brother, and not of the eldest son, whose name was Charles, may be imagined easier than discovered. It is likely that, in the reign of King Charles I., when the eldest was born, Charles was thought more honourable. But accident, or, commonly, the parents' or god- His parentage and name.

fathers' fancy, determines names; and it may be thought fit that the latter should have something for their money.

Forward, lively, and beautiful, when a child.

He was a very forward, lively, and beautiful child, and thereby entitled to be, as he really was, his mother's favourite: for good women are most pleased, when their children, being females, are like themselves, or as they fancy they were when young; and the males, as the father was in his tender age, according to the ideas they form to themselves. The unfortunate attendance upon the parliament engaged this gentleman's father to reside in London, till the more fortunate exclusion sent him and his family to their better residence in the country. The London house was in King's-street, Westminster, and, though a sorry one, remarkable for being the first and only brick house in that street for many years. The chief airing this child had was with his attendant at the door, where, by his forward familiarities, he had made himself known to most people that had to do thereabouts; and nothing so common as his being at his post, with an audience in the street to share his conversation.

Stolen by a beggar, but recovered.

But this over-forwardness had like to have cost him dear; for once in a bustle at the door about taking coach, when a child is apt to press too forward, a beggar-woman, passing by, swept him away; and, after the coach was gone, the child

was wanted. The servants ran out several ways to look for him, and one, by chance, found him in an alley leading towards Channel-row, in the hands of the beggar, who was taking off his clothes; so the child was recovered, but the woman ran away and escaped punishment.

Fell sick of the plague, and recovered.

It fell out in the great plague, that his father's house was shut up; for he and a little sister, named Mary, had the plague together. His father removed, because of his promiscuous converse; but his excellent mother stayed, and with her own hands nursed her two tender children. I have heard her say, that once, feeling a swelling upon the little boy's head, the plague sore (as it proved to be) broke in her hand. This incomparable piety and courage in her was providentially rewarded, first by the recovery of both her children, and next by her own and her family's wonderful escape; for neither she, nor any one else in her house, had the plague. I well know by ocular inspection, that the gross scar of this sore was very manifest to be seen upon this gentleman's head all the days of his life.

Put to Bury School, and ill used by the master.

But now to bring the young man to a grammar-school: he was placed at Bury, under Dr. Stephens; but made an indifferent scholar. He had too much spirit, which would not be suppressed by conning his book, but must be rather employed in perpetual action. With all that, his

parts were so quick, that a little application went a great way with him; and, in the end, he came out a moderate school-scholar. But no thanks to his master; for had he been treated with discretion, the goodness of his nature was such, that he might have been brought down to such an assiduity as would have made him an incomparable scholar. But, though from what stars it proceeded I know not, it is certain that the master took a great aversion to him, and most brutally abused him; correcting him at all turns, with or without a fault, till he was driven within an ace of despair, and (as I have often heard him declare) making away with himself. Among other instances of his barbarity, one was that the youth had been more than once whipt for faulty verses, that he had stole out of printed books. This ill usage made an impression upon his spirits, that did not wear out in all his life, but, to his dying day, he resented it. And he often spake of it in a kind of passion, and declared that he wanted only the satisfaction of talking to this man, and showing where he used him ill, and had denied him common justice. Such a pleasure have folks, desperately offended, in venting their resentments.

By early disposition a merchant.

This gentleman was designed by his parents to be a merchant; but how early I know not, and rather think they had no positive determination, but according as natural tendency and reasonable

opportunity invited. And this backwardness at school, and a sorry account that the master gave of his scholarship, might turn the scales towards an employment that needed less learning. But the young man himself had a strange bent to traffic, and, while he was at school, drove a subtle trade among the boys, by buying and selling. In short, it was considered that he had learning enough for a merchant, but not phlegm enough for any sedentary profession. Which judgment of him was made good by the event.

In danger of ruin at a writing-school.

According to this scheme, the next step was the being placed in London at a writing-school, to learn good hands and accounts. Where, being once settled in that way, he ran a great risk of being utterly ruined for ever. And if, together with his restless spirit, he had not had conjoined a manly reflection reserved within himself, and also a resolution of sometimes checking his own extravagances (which, not only in his youth, but also in many important emergencies in his life, he executed by making short and sudden turns) he had been lost. The writing-school was a place of entire liberty: he might come and go as he would: he might learn if he pleased; and as freely let it alone. But he minded his business, at times, well enough, and acquired amply what he came there for, which was fair writing and accounts. He had his times also for making large excursions, and got

into acquaintance as airy as himself, though not so well born or dressed: but he made small ceremony of that, provided they led him to sport. There was no bustling, busy diversion that he was not, more or less, engaged in; yet, in all his frolics and rambles about the town, he and his company steered clear of the vices of whoring and drinking, and followed such entertainments only as were very active, but otherwise (beyond the archness and waggeries of youth) not wicked nor indicative of a nature depraved. And it were well if the flights of youth, in this age, had no worse character.

Lover of cock-fighting.

One of his capital entertainments was cock-fighting. If possible, he procured a place in the pit; and there was a rare splutter and noise, cut out, as it were, for folks half mad. I have heard him say, that, when he had in the world but three shillings, he hath given half a crown for an entrance, reserving but sixpence to bet with. I presume it was with him as with others that love gaming: avarice was the grand inducement, and that inspired the adventure; and the female, or rather lottery, childish argument prevailed, viz. others have won, and why not I?

A desperate swimmer.

Another of his darling sports was swimming in the Thames. He used that so much, that he became quite a master of it. He could live in the water an afternoon with as much ease as others

walk upon land. He shot the bridge divers times at low water, which showed him not only active but intrepid; for courage is required to bear the very sight of that tremendous cascade, which few can endure to pass in a boat. He told me that his method was to glide along while the current was smooth, which was like the motion of an arrow, and extremely delicious; and when he was through, and plunged in the disorders of the waters there, he used his swimming powers, that is, striking with legs and arms, applying all the force he had to prevent turning round, which, in those eddies, was hard to be done; and all this under water, till he got into some calm, where he might govern himself again. His greatest danger was flooks of anchors, broken piles, great stones, and such enemies as lay concealed under water, and, in the speed he went, could not be touched without destruction.

His bold adventures in that exercise.

He and his comrades usually hired a known porter to keep their clothes; and, when they were all naked, as I have often heard him say, he was not at all ashamed of his company; but, when their clothes were on, he cared not to be seen with them. He hath told me that, having lodged his clothes not far from the bridge at early ebb, he hath run naked upon the ooze up almost as high as Chelsea, for the pleasure of swimming down to his clothes before tide of flood. By these bold

diversions, one may guess what the Roman youth were able to do, who made it their ordinary exercise to bear the extremes of heat and cold, and all sorts of fatigues; affecting to despise and slight all hazards and pain, till sufferings became habitual. But, to wave reflections, though my subject proffers fair, and to dismiss this swimming entertainment, I must here, though a little too early, remember, that, when he resided at Constantinople, it had very nearly cost him his life; for, being grown corpulent and fat, he was not qualified for such frolics, but yet would needs go and swim in the Hellespont; and there the water came down from the Black Sea so rigidly cold, that it almost congealed the fat of his belly. He found himself not well, and came into his boat, where he perceived his belly look like tallow, and could scarce feel any touch upon it. The rowers presently understood the case, and forthwith laid him down, and fell all to rubbing and chafing his belly, till they found it come red and warm; and so they left him out of danger: but he was not free from pains in that part for divers months; and, after this, he never went into the water more.

In want, and bad expedients to get money.

But, to return: it may be easily imagined that, living thus at the writing-school, his extravagance must keep him in constant want of money. He had little or no allowance for his pocket, and could value himself only upon what his wealthy rela-

tions at times gave him: therefore, all the wits he had were at work to supply the expense of his rambles. And this pinching necessity drew him into practices very unjustifiable, and (except among unexperienced boys) altogether inexcusable. When a fresh youth came to the school, he and his companions looked out sharp, to discover how well his pockets were lined; and some of them would insinuate into his acquaintance, and, becoming dear friends, one after another, borrow what he had; and all, got that way, was gain to the common stock: for, if he was importunate about having his money again, they combined, and led him a wearisome life, and, rather than fail, basted him, till he was reduced to a better temper; and so they secured their own peace, and to the lad so much wit bought and paid for. And other like ways they had of providing for the current expenses of their community.

Desperately in debt, and how relieved.

But all those contrivances, joined to his lawful stock, would not stop all gaps, so that he was forced to borrow, or obtain to be trusted, till he had got in debt about three pounds, which, upon his own strength, he could not easily raise. But he had some dormant sparks of honour that galled him cruelly, upon account of his being so desperately in debt; for his creditors were such as would be paid, or go to his friends; and that he dreaded mortally. He had relations that,

upon application, would have extricated him, by advancing such a sum, and particularly his best brother residing at the Temple: but then he must give some reasonable account how he had spent so much money; and either he must lie, which he could not do solemnly to them, or he must lose his credit as to his discretion, the thought of which he could not bear. He determined to avoid all these shelves, and, by his wits, as well as he could, get up the money, and set himself clear. His chief expedient was making counterfeit bills of expenses; and he took care they should be such as were partly expected, only enlarging a little, and inserting some choice items; and those he sent to his parents, who did not much examine into the reality or fictitiousness of the particulars, but thought all was well, and sent him up the money. In fine, he paid his debt to a farthing, and, from that time, resolved never to be in debt beyond his power at any time to discharge, whatever became of him.

Reflection upon early experience.

This was one, and the first of his short turns; and from hence I date the crisis of his well-doing: for, if he had not had a singular good sense, and sparks of honour at the bottom, however kept under by a prevailing ardour of his youth and spirits, he might here have swayed the wrong as well as the right way, and have left the evil to increase upon him; the end of which had been

ruin. There is a good moral that lies behind these petty circumstances of a youth's condition, for which reason they are brought forward to be viewed; and that is, that it is expedient, youth should have an early liberty to manage for itself; for, with small losses, they gain great and important experiences, which, at full age, are seldom acquired without the loss of all at once. This is commonly observed of such gentlemen as are kept under till estates fall to them; for they commonly err in choice of friends and methods; which mistakes often prove the ruin of their whole fortunes. Whereas timely experience of men's ordinary self-interestedness and treachery, and of their own folly and oversights, to be had in small dealing as well as in great, would have been precaution sufficient to have prevented such fatal oversights.

Bound to a Turkey merchant.

The next step our youth made towards an advancement of his fortunes, was into a serious and steady course of employment, by being bound to a Turkey merchant, upon the ordinary terms to be sent abroad. His master was one Davis, a single man. He had 350*l.* with him, and no more. They boarded with one Mr. Andrews, a packer in Threadneedle-street, a very substantial and just man. This merchant's business was not enough to keep a man employed; and, having left off rambling, much of his time lay upon his hands. He could not endure to be out of action, or idle;

therefore, to fill up his intervals, he fell to work at the packing-press, and other business of that trade; by which he made himself a complete master of the mystery of that trade. This was not any loss of time; for that is one of the chief trades which the Levant merchants are concerned with, for the skilful packing their cloths sent into Turkey. The young gentleman took also a fancy to the binding of books; and, having procured a stitching-board, press, and cutter, fell to work, and bound up books of account for himself, and divers for his friends, in a very decent manner. He had a distinguishing genius towards all sorts of mechanic exercises; as I shall have occasion to observe afterwards.

Sent supercargo to Archangel and Smyrna.

I do not remember any thing farther remarkable of this young gentleman during his serving as a merchant's man in London, until his master thought fit to send him out; and that he did upon a voyage, than which there could not have been contrived one more desperate and discouraging: it was first as supercargo, with an adventure to Archangel, and there to negotiate the cargo, and to ship another; and then to sail with that, by the back of Shetland and Ireland, round about through the Streights, and so to Italy and Smyrna, where he was to reside as factor in the Turkey trade. It was a hard case for a raw youth to embark in such a voyage, without company, or so much as a face in the ship that he ever saw be-

fore, and bound almost as far northward as Zembla, and to reside amongst, and traffic with, barbarous people, and then to return through all the bad weather the skies can afford. But he went, not only willingly, but ambitiously, and formalized upon nothing that led towards the end he most earnestly desired, which was to be settled as a factor in Turkey. His resolution was inexpugnable; and, not only in this, but in many other instances of his life, he considered well what was best for him to do; and after that point once determined, he had no thought of difficulties; he was not master of his fortunes, and resolved, at all adventures, to advance them; and therein to use the utmost of his industry and understanding, leaving the rest to Providence.

Passages in the voyages taken from his own pen.

As for the particulars of his sufferings in the voyage outwards, with the delights of Archangel (which must needs be exquisite so near the North Pole), what was the way of transacting with that polite people, the incomprehensible fatigues of the voyage back, and the various incidents before he came to Smyrna; I think they will all appear most sensibly in the accounts he himself gave in letters wrote to his best brother. He took a pleasure in writing, especially to him; and, out of that correspondence, the following extracts are taken, which may be affirmed to be, in all points, strictly true.

VOYAGE FROM LONDON TO ARCHANGEL.

Extracted from the Letters of Mr. Dudley North.

Departure, and hideous seasickness.

"WE are now, and (by reason of a cross wind, which would not suffer us to keep our course direct) have been longer than we liked, in sight of many high, barbarous, and rocky isles, upon the coast of Norway; where also we have sight of those huge living mountains, whales, entertaining themselves with spouting up water in great abundance, and to an incredible height. It is not long since we met the offals of one, which had the evil fortune to fall into the hands of the Hollanders, who, taking all that is useful, turned the guts and garbage adrift; and it looked like a field of fallow ground: thus the monster lay a prey to his fellow-creatures, a legion of which, doubtless, he intended at his next meal to have devoured, had not Hansmundungus caught him by the back. We saw store of small fish, such as sharks, bottlenoses, and sunfishes, playing above the water. They are about the size of a man, or somewhat less. When we were upon the coast of Shetland, which lies to the northward of Scotland and the Isles of Orkney, with our hooks and lines we found ourselves fresh victuals, taking mackerel to our hearts content, being very well grown, and far better than such as you have at London; but, at that

time, I had neither stomach to eat them taken, nor to be at the taking them; for, after I was a week upon the water, the continual motion so disordered my body, that half a biscuit served me for more than a whole day's provision. Our store-fish was salt and strong, beef of such temper and saltness, it was not meat for me. We had in the ship beans and peas, and fresh mutton every other night; but all was chip to me; my greatest comfort was the beer, whilst it lasted good, which I took well warmed; but, at last, that proved worse than all the rest, for it stank most abominably. I loathed strong waters more than any thing, and could not come at the sweetmeats provided for me by my friends. All my relief was a little burnt claret, which now and then I took well warmed, but had not skill enough to keep it. For aught I see, what pleaseth or is loathsome, is all alike, for neither will stay above a quarter of an hour at most. In this taking I was more than a fortnight (now a little, and but a little better) I could not stand, much less walk; my easiest posture was lying a-bed, which, I affirm, was more tedious to me than any jail could have been; my head so dizzy, that I was incapable of reading, or doing aught else that might wear away some of my tedious time. At first I had some diversion sitting upon the deck, and seeing the mariners follow their work, but that sport lasted not long;

for, when the N. E. wind began to blow, I found cold comfort there, and was forced to retire to my cabin.

Of the North Cape, and sickness continuing.

" Now we are in sight of the North Cape, which, as most of the islands hereabouts, is tipped with snow, and the wind comes extraordinary cold from them. I am of their opinion that say, a mile's travel at land is spent with more pleasure than ten at sea; for there we have expectation of somewhat novel every night, besides the entertainment of the day; but here we are at a loss to entertain ourselves at all; as hath been my case hitherto, fit for nothing but lolling a-bed, and that with no ease or delight; but he must needs lie that is not able to go or stand. Do but imagine what a condition it is, and how miserable, neither to eat, drink, sleep, nor do any thing else, but with an absolute *nausea* and reluctance; not to have so much entertainment as the vicissitudes of night and day might afford; not one person to speak to, that I ever saw before. This is now my condition; I begin to practise what I despised in others, who count their time by meals and evacuations; for even so are all my estimates. I think I ought to be well, however otherwise I find myself, and charge the grumbling of my guts, and qualms that come over my stomach, and dizziness of my head, upon being out of my element; then lay me down, with as much patience and little

ease, as if I were tied neck and heels, without ability to rise; so I continue, till I think it meet to eat or drink, which (as most conducing to ease) I do very sparingly; for the tenth part of a meal, at land, is excess here.

" I think the seaman's life fit for none but such dull souls as think themselves happy in keeping a place warm, as wide, though seldom so long, as a coffin; and this for one four hours, which they call a watch; and, when that task is over, are as happy in the enjoying a walk a little larger than the aforesaid lodging; where their turnings are so quick, that it would puzzle one to imagine what they are doing. No time is so pleasant to me as when the wind blows fresh, and I see twenty-four or twenty-five men stand cursing themselves, and damning others, just as if the devil himself and his comrades were come to show tricks. Then I get me to a corner, where I am sure to be out of the way, and sit me down pleased with observing, till a new and contrary motion of the vessel raiseth a tempest in my guts, and then, to lighten the vessel, I heave overboard all I ate last, and have enough to do to keep back entrails, heart and all; and then I lay me down again. Put to hard shifts.

" I envy the condition of those that have store of employment, and are so far from devising ways to pass time, that the days are not sufficient for the business: but as soon as I get me ashore, I hope Desired to learn sailing, but in vain.

to have my wish in that; for I do not fear want of employment, and have taken up a resolution not to be idle as long as I can find any thing in the world to do. I had thought to employ myself aboard by keeping an account of the ship's way, but am disappointed; for the master and mates, on whom that charge lies, are a sort of people, who do all by mechanic rule, and understand nothing, or very little, of the nature and reason of the instruments they use. And where that little happens, they are very shy of it; and, if at any time one speaks to them, they think they have a blockhead to deal with, who understands nothing; and they will bear no objection to their dictates. As for reasons and causes, they lie beyond their capacity; all that is not set down at large in their books, they account no better than damnable doctrine, and heresy: their quotations are irrefragable, and not to be disputed.

Russes came on board and trucked.

"The weather is now become fine, warm and sunshine, and the sea, by use, more tolerable, and we are in hopes not to continue twenty-four hours upon it; for we have land on both sides, and our port about thirty leagues a-head. Yesterday we met with a Russ boat, and brought her by the lee; some of the crew came on board us, and the seamen trucked some tobacco with them for their capeaks, or furred caps, and, having inquired news of their affairs, dismissed them.

" It is commonly said, and I believe true, that willicks, sea-pigeons, and divers, as also other birds, that get their living upon the sea, will subsist two hours, or more, under water; and they make use of their wings there to take their prey. They affirm they will sink, with wings displayed, twenty fathom, and that they have seen it; and truly one may see a tobacco-pipe, or any white thing, sink a great while in the sea; but how many fathom I cannot tell. Of diving fowl.

" On Saturday night, we came to an anchor before the Bar of Archangel, being the headmost of our fleet. This is the sea which is called the White Sea, but most unfitly for its colour; for I can compare it to nothing better than dead beer, being as thick as that can well be. The conditions of this sea are worse than its looks; for the tides are uncertain and unaccountable. While we were a little before the bar, among the small islands, and the wind faint, we were mightily put to it, as to trouble, but without danger; it happened that the tide ran all points of the compass in less than four hours; so we lay, and, for want of wind, could not help ourselves, but were carried and turned about, whether we would or no; which made us drop our anchor, and expect another tide. In the mean time we went ashore on one of those small islands, which we found overgrown with wood and moss; the wood was pines and fir, The state of the White Sea, and the islands.

which, though let alone, comes not to any magnitude, but, after it is full grown, dies, and then, losing the bark, stands naked for some time, and shoots out long black hair to the length of a span. The place was not inhabited; but yet, on the lower ground, was excellent good grass, which the adjacent inhabitants in summer cut down, and make into locks (which they stake so as not to be moved by wind, or floods), and, when the seas are frozen over, they fetch it away upon sleds. We saw here no manner of beasts, and only the footing of bears; but we shot some ducks and geese, and, leaving the place, made to our ship.

Soldiers came aboard; the ship run aground, but got off.

"The wind was then freshened; so we hoisted sail, and passed the bar very well, and made forwards about four leagues. Then the soldiers' boat came aboard us, to take the names of the ship and master. These fellows being strangely, I may say fantastically, clad and armed, the eyes and attention of the sailors (observing them) were diverted from their business; so that, when the pilot cried starboard, the helm lay still a-port, and, in less than a quarter of an hour, we were aground. Now began the game; for you might hear one swear, and another stamp, and all in a hurry; forty several ways put in practice at once, to get off the ship, which, after an hour or two, began to move again; but we continued so doing only into deep water, and then we cast anchor again,

and, at next hoisting, came to the desired place of our stay."

RESIDENCE AT ARCHANGEL.

"WE went ashore, to live in houses built with trees laid along one upon another, and let in at the ends; the streets are paved with trees, and the houses covered with birch bark. The ground, where the English are appointed to dwell, is paled round with great trees set upright; the like is for the Dutch and Hamburghers. The Emperor of Russia sends down every year a governor, and a *gort*, or judge, to keep the peace, and decide all differences. Their law is in their heads, and what comes out of their mouths is without control, or appeal. So that whatever difference ariseth between one man and another, it is sure to be fully decided in less than an hour. After the parties have once spoke, he gives the decisive stroke, and there is an end." The housing and law at Archangel.

"Now this is a fine place to live in, victuals of all sorts plenty, and brave sunshine weather; as we sailed along the coast of Norway, I fancied the clouds, though lost in the horizon, were but a small distance from us, which this place confirms; else one place could not be so very serene, and another so cloudy, and that almost constantly. For, at the North Cape, it is rare to see the sun; and here, at Archangel, about 200 leagues distant, The strange serenity of the place.

not a cloud to be seen, for divers months together; when we were *two* leagues distant from the huge mountains on the coast of Norway, we could plainly discern the clouds to pass between the mountains and us.

Of the natives, their hot houses, and women.

"One of the inconveniences that lie on those who dwell in this country, is that the people are so given to nastiness, that nothing can be eaten out of their hands; you shall have, perhaps, four brothers, and as many sisters, with their father, mother, husbands, and wives, all dwell in one hot house (*wisbie*, they call it). They have nothing but a little straw strewed on the ground to lie upon. They wear loose garments above, with linen drawers, which go down to their heels, and a short shirt underneath, like a coat. To this, in the winter, they add a *cafftan*, as they call it, which is an under-coat; the upper they call a *shube*. And, for their boots and huge thick stockings, and double mittens for their hands, they never alter, but continually wear them. The women, I think, are the most deformed creatures that ever were seen; generally short, and, by reason of their lying in *wisbies* and *bastoes*, very swarthy. Their wear is, for the labouring women, boots; but, for them that keep house, neither shoes nor stockings; they wear a linen loose garment next their skin, for the most part, without any thing else; but sometimes they have

another of blue calico over the other; but that is all.

Their superstitions.

" The men count it a sin to have either long hair or a short beard. They are extremely superstitious: every man has his object of worship; but some twenty or more. They are commodities sold in the market; and they will not sell any to a stranger, or suffer him so much as to touch them. These are pictures of the saints, and that of our Saviour. The great men burn lamps before them day and night, and adorn them richly with gold and pearl; but when these are worn out, and they cannot see any thing of them, they hold it not fit or lawful to burn them, but, in a solemn manner, carry them to the sea, and there set them adrift to shift for themselves.

Character of the people.

" These people are generally thieves from the first to the last, and steal not only from strangers, but neighbours; and possession is all the law they have among themselves. Drinking is their only pastime; and he that is not drunk on a holy day, or sabbath day, is neither a friend to their God, nor emperor. They are all left to get their livings the best way they can. He that is a carpenter to-day, is a labourer to-morrow. Every man breeds up his own sons, and it is a shame to be wiser than their forefathers.

Of the city and country.

" This town of Archangel stands on a bog, and if you offer to walk out of town (except one way,

which is by the water side, leading to a small grove of trees, that are of a competent height, and mostly pine, fir, and birch) if the way be not paved with planks, as ordinarily is done to make a passage from the town to some windmill, you are presently over shoes and boots. Among the rest of the islands, some are very good ground, and bear corn of all sorts, which, after it is turned colour, as it will in five weeks after it is put in the ground, they cut down, and lay in the sun to ripen or harden; and thus they often have two crops in a year.

Religion and monasteries.

"You shall not see, in all this country, one hundred acres of good ground without a monastery, or two, or three, in sight of it; who will, may shave himself a friar; but it is seldom done, unless in sickness; for they think, whoever dies without the last unction, cannot be saved; and he that recovers and lives after he hath received that sacrament, is a friar all the rest of his life.

Power of husbands.

"In this country, the husband is the sole commander of the wife, who differs very little from his servant. Many will marry their sons very young to lusty baggages, on purpose to gain able servants.

The process of tar-making.

"I shall add (though not very material) the process of making tar, the product of this place. They dig a hole in the ground, of a competent size, some two or three fathom deep; and, a little

lower than the middle, they make a platform of wood, and thereon heap earth about a foot deep, except in the middle, where a hole is left in the form of a tunnel. Then they fill the pit with fir billets piled up, from the platform, and rising about a fathom or more above ground, which part they wall about with turf and clay, to keep in the fire. They command the fire by quenching; for which use they make a *lixivium* of the ashes of fir. When all is ready, they set fire a-top, and keep the wood burning, but very leisurely, till it comes within a foot or two of the partition; and then they heave out the fire as fast as is possible; for if it once lay hold of the tar, which is settled down into the lower pit, it blows all up forthwith. These tar-pits take up a great deal of trouble, and many men to tend them, during the time of their burning, that the fire may descend even and leisurely, whereby the tar may have time to soak out of the wood, and settle down into the pit. As it comes from the wood, it is pure tar; but, in the pit, it mixeth with water, which issues from the wood also: therefore it must be clarified from it once or twice.

"The manner of their *bastoes*, or baths, is worth the notice. They are made as a square room, in one corner of which is built a sort of oven, the top of which is covered with great round pebble stones, laid very thick one upon another, The manner of the *bastoes*.

without any mortar. In this oven they burn an arm-full or two of billets, and, during the fire, leave the door open, for the smoke to go out, which else could not any way pass for the closeness of the room. When the fire is out, and the stones thoroughly hot, you go into it stark naked; and the heat is so extraordinary, that, in less than a quarter of an hour, the sweat shall run from you like water, and the heat almost stifle you. There are several benches, which are the degrees of heat; on the ground it is tolerable, but very few are able to hold up their heads to the top of the room, or stand upright. They heat the room to what degree you please, by dashing cold water upon the stones, which doth wonderfully augment it. These *bastoes* are such common things, that there is scarce a house, however poor, that wants one. They seldom or never lie with their wives, but in the *basto;* the women are always brought to bed in it. It is common to see men stand at the church door, not daring to enter, because they have not washed since they lay with their wives; so nice is their devotion.

Manner of work and building.

" All the tools they work with, about wood, is a hatchet, and all of a bigness, so that the largest trees and smallest pieces of wood are wrought upon with the same tool. I believe they are the best hatchet men in the world; for, except a shave, they have no other tool to do all manner of works.

Most houses in the country are of wood, and have no sort of material else about them: and some again, as at the city of Moscow, for prevention of fire, have not a stick of wood about them; the very doors and windows are of iron. Most of our warehouses here have fire-cellars under them; it is a perfect house under ground, built as others are, and covered with great trees, with a fathom of earth laid over it. The door is deep, and laid round with brick. When a fire happens, the goods are flung down at that door; and there always stand ready about a dozen barrels of sand, which serve to dam up the door. Then the house may be burnt to the ground, and all the goods remain safe.

"Now it is the sixteenth of September, and the weather blows cold; it is time for us to go to sea."

VOYAGE FROM ARCHANGEL TO LEGHORN.

"AFTER we came to the height of the North Cape, our fair weather, which we had at Archangel, and some part of the way, quite left us; and there succeeded nothing but storms, and excessive raw, cold, and snowy weather. At first (in weather bad enough, but nothing like to what followed) we split our main-sail, and then we brought too a foul weather (that is a bran-new) main-sail, but all was not sufficient; for, between

Distress by storm and winds.

Ireland and the height of the Cape, such frets of wind came down upon us, and so suddenly, in such contrary points of the compass, that canvass could not sustain it; but lying a-try, as they call it, that is, with no other sail out, and a reef of that taken in too, we split our sail from top to bottom, and the better part was blown quite out of the bolt-ropes, and the rest not saved without much ado. All this while the ship ploughed her mizen-shrouds under water, and then we were fain to lie a-hull, at the mercy of the sea and waves. It is strange to say what mighty seas we had many times. Curiosity made me leave my bed, though very sick, only to behold those mountains of water, which rolled up and down. Conceive that the water which is a-top, is made to move faster than the great bulk below of any great wave driven by force of the wind; so you will imagine how it must break over the rest, all in white froth. And this the ship is sure to have, when it happens that she is on the wave, and the break is on her side. We shipped seas over our poop, and upon our broadside, from stem to stern, and after had our main-yard washed; nay he was sure to be ducked that was at the yard-arm spilling the sail.

By frost, snow, and rain.

"Thus having lost all our main-sails, the only refuge we had, was, when the wind ceased a little, to bring a new fore-sail to the main-yard, and so sometimes a-try, and sometimes a-hull, we busked

it out, rain and snow continually falling. Perhaps for three watches' time a nipping frost, and presently after comes rain, and then snow, which, frozen on the shrouds, fell down ready to knock the sailors on the head; sometimes between winds, when we went to loose our top-sails, they were so frozen, we could not get them out; nay, our main-tacks and sheets, being hard frozen, if we but offered to bend them, broke like rotten sticks. After the main-sail was split, we had sixteen of our men down at once of the cramp in their bones; one staying in the fore-top but till his fellow went down for a rope, to spill the foot of the sail, which was blown out, was frozen, and forced to be handed down, and laid into a warm bed; I believe no one in the ship had a dry thread on his back, sometimes, for at least a fortnight together. But, God be thanked, after we had, not without great danger, clawed off a lee-shore on the back of Ireland, we had fair weather and good wind; and so without any thing extraordinary, but what I have wrote elsewhere, we reached Alicant.

Alicant, situation and quarantine.

"At Alicant I was in a worse prison than at any time before in all the voyage; for the custom is there, that no ship shall land either men or goods, till the Pratique Master is satisfied, that the ship is healthful. In some places they are (in earnest) strict concerning this; but here they

make it a money-matter: and our master refusing to pay about six dollars, we were forced to keep ship about six days, which time we lay detained by cross winds, and expecting company. The town is very small, and stands on the side of a rocky hill, strongly walled towards the water-side, and, upon the walls, good store of guns planted to defend the ships in the road. Upon the top of the hill, which is extraordinary steep, stands the castle, which is inaccessible, only by mounting up stairs on the outside of the wall.

Coasting in the Streights.

"After we left Alicant, we had reasonable weather all along the coast; for we were seldom a gun-shot off the shore all along the Streights. We passed the gulf of Lyons, terrible to sailors for sudden storms and gusts upon divers points. But the two or three days low-sail weather seemed nothing to us, who came out of a place for weather far beyond the worst that can happen in this place.

Winds there uncertain.

"It is observable that, all along the coasts in these seas, if there is not any great storm, you are sure to have a land-breeze at night; so that when you have a handsome gale in the offing, drawing near the land, you shall find the wind to wear away; but, however he speeds that is out at sea, at night a gale under the land is certain: therefore, the small boats and settees, which dare not put out to sea, for fear of the Turks, all day, for

the most part lie still, in hope of a wind at night. This we had experience of very often in this passage; for, between Corsica and Leghorn, sometimes for half an hour, we should have a handsome gale from the isle, and presently that wind, reflecting from the mountains on the main land, would bring our ship a-stays; and all that while we could perceive by the sea, that the wind was fresh two or three leagues a-stern; so we lay much troubled between wind and wind, and had above forty turns before we could reach the road of Leghorn. About midnight, 20th of December N. S., we came to an anchor in safety, for which God be praised.

Strict quarantine at Leghorn.

"But you may easily imagine what a toss I was in, to lie about a week aboard the ship for want of pratique. In this town they are extraordinary strict concerning health; all woollen goods are put into the Lazaretto, which is a place two miles from the town, to be aired. If ships have touched on the Barbary coast, or any part of Turkey, they will sometimes condemn them to lie forty days in the road, before they will permit either man or goods to come ashore. And thus we lay, with two guardians over us, for six or seven days, not being suffered to go aboard any ship, or any one to come to us; and, for all letters and papers sent ashore, they take them in a slit stick, and air them over a good fire, before

they will themselves, or suffer any else to touch them."

REMARKS FROM ITALY.

Of Leghorn. The buildings.

"THE town of Leghorn is a very strong and well-fortified place, having the sea brought round it in ditches, which are very deep and broad: it is very well walled with brick-walls of a vast thickness, and filled up with earth between. The town is built of brick and stone, and very uniform. In Italy, they use, in building, very little wood; their lintels, and jambs of doors and windows, are stone (though the houses are mean), and that very hard to get of such great lengths as are fit for the purpose. The floors of all their rooms, high and low, are all brick, which is laid double; their tiling is first flat tile with their edges turned up, on which they lay a sort of small ridge tiles to cover the joint. The streets are fine, straight, and large, and paved with great stones. In the middle of the town stands the cathedral, of which I need say no more, but that it was the pattern of Covent-garden church, and hath before it a very stately piazza in the same manner.

Of Pisa.

"On new year's eve, the Great Duke of Tuscany invited all the English to a *caccia*, as they call hunting. So, over-night, we set out for Pisa, where the great duke then kept his residence. Pisa was formerly the head of a noble republic,

and hath maintained a hundred galleys together for scouring these seas; but now it is brought under subjection, and very much ruined and depopulated. It stands on the river Arno, and hath three bridges over it; one of which is all marble, and built out of the ruins of a very famous bridge of one arch over the great river; but it had not the luck to stand a full fortnight after it was finished.

"Upon this bridge, which is very broad, is every year celebrated the *Joco di Ponte*, as they call it: it is a game between one side of the river and the other, the town being pretty equally divided; and, in this manner, two captains of the *Joco* are chosen by the duke, and they get what stout fellows they can to be of their side, whom they divide into companies, and distinguish by painted buckram coats, perhaps three or four hundred of a side. Upon the set day, the duke and ladies take places on a scaffold, to judge; and the parties on each side draw up near each foot of the bridge, armed to the middle, with close helmets, and great quilted things under their armour, to fend off the blows which they are sure to have laid on. On the middle of the bridge is a rail laid across, which, upon a signal from the duke, flies up (being made accordingly), and straight the company on each side get themselves as close as they can, and to work they go, knocking one another with a great instrument of thick board almost

The *Joco di Ponte*.

like a shield. Truly, the play is no other but who can crowd the rest off the bridge. But, what with crowding and knocking, they make a shift to kill three or four in a year, notwithstanding their armour.

Of the buildings, and the Leaning Tower.

"This town stands fifteen Italian, which I suppose cannot be above ten of our, miles from Leghorn, and hath not such fair streets as that, but abounds in stately palaces of marble, and other very fair stone. It is most famous for the *Duom*, as they call cathedral churches, which is built all of marble, and is fair workmanship, but exceedingly beautified within with gilding and carved stone-work; but what is most to be admired, are the incomparable brass gates, which are massive, and cast, and most curiously adorned with historical pictures out of the bible, not in great, but in small shapes. Truly I never saw any thing like them. At the west end there is another building, very stately and high, which contains only a font for baptism, and is called the *Baptista*. On one side stands a building of length and breadth (as they say) of Noah's ark, and is filled with Jerusalem earth, which, they affirm, consumes a man in twenty-four hours after he is buried. That which is esteemed the best stone-work in the world, is the steeple, which stands somewhat distant from the church, and leans very much; so that you would swear it could not stand an hour. I was

within, and on the top, which is very high, upon which it hath eight great bells; and indeed the walls are very thick, and it inclines as much on the inside as without, and is all of pure marble.

"But now to our game, which was after this manner: the place is a plain less than a mile over, begirt on all sides with very thick woods, where the deer and wild boars are in great abundance: one side of the plain, a little way within the wood, is paled with canvass, which the deer will not venture to take over. When the duke and the ladies have taken their places, provided in the field on purpose for them, the country people, who are dispersed in the woods in great abundance, blow horns, sound trumpets, make fires, shoot guns, halloo, and make all the horrid noises they can devise, to fright the game into the plain; which no sooner appear, but men and dogs do their best to kill them, some on horseback with lances, and spears, some on foot with javelins and halberts: guns are not permitted, but to the duke only: no sort of fair play showed, but all speed is made after every thing that appears. He that gives the first wound hath the humblets for his pains. It is very good sport, and wants nothing but to be rewarded as ours in England, with good eating after it is over; for their deer are mere carrion, which none cares to eat of; but the great duke powdereth them up

The solemn hunting.

for the galleys. It is very ordinary, in this manner, in three hours time to kill about forty deer, and perhaps as many hogs.

The game preserved.

"The duke is very nice of his game; and it is no less than galley-matter for any man to kill deer or hog, except at this general hunt.

Geese and ducks very tame.

"The like severity is used for killing geese or ducks, which being so preserved, in a fenny place, about four miles from Leghorn, there are an unimaginable number of both, as I saw, covering the place, which is large; and so tame, that, on our passing by with horses, not gun-shot off, we could not raise them with all our shouting.

Woods, and the cork-tree.

"The woods are green all winter; not that all trees in this country are so; but some sorts, of which there are whole woods, never shed all their leaves, but some insensibly decaying, and others in prime. One of these sorts is the cork-tree; our cork is but the inner bark of it, and, where it is taken off, it grows again, and the wood swells with it so, that an old tree, often peeled in this manner, shall be grown almost four-square.

Of the Mole.

"Describing Leghorn, I almost forgot to speak of the Mole, which is a defence made for the ships to lie under out of danger of the sea, which, upon some winds, is very rough in the open roads. It is a sort of wall built in the sea against that point of wind that most raiseth waves. They build under water about four fathom by two ways,

either with piles drove into the ground, and then first throwing in mortar, and after it stones, till the work appear above water; and then they build as they please: else, this way being inconvenient in deep and rough water, they go thus to work; first make the place, intended for building, as plain as may be, then, having great chests of wood prepared, they fill them with, or rather build in them, perfect wall; after which, they are let down with cords upon the place designed for them; and so having many ready, they set them one upon another till the tops appear above water, and then build upon them. They say this mole, as also that of Genoa, which is accounted the best in the world, are so built. But, on the back-side, towards the sea, are thrown thousands of rocks, without order; whereby you may conceive, that the aforesaid building serves not so much to keep off the violence of the sea's breach, as to make a perpendicular wall, so as a ship, that rides behind it, may ride close without damage.

"Now I am speaking of walls and stones, I shall say somewhat of my observation as I passed over the mountains between Pisa and Lucca. I passed by places which were in a manner perpendicular, and seem not made so either by the falling or taking away of any part; and saw, as it were, great wens grow out, as you know common from trees, especially the maple. I remember, at

Excrescences and coagulums of stone.

the mole of Leghorn, I took special notice of pieces of rocks thrown there of perhaps ten ton weight, which one would swear, at a near view, were only great heaps of clay stuck with small pebble-stones; but, coming to touch them, such was their hardness, though seeming so soft, that you could not with any force part away one of those little stones (the whole being but many of them stuck together) without breaking, as would happen rather than the mortar, as I may call it, would let go its hold.

The Carnival. "Now is the time, between Christmas and Lent, which is called Carnival. The people use all the mirth they can devise; such as passing in masquerade clothes, one after one, and another after another manner; tossing eggshells with sweet water, where they see women they like; and thus tossing eggs at first, the women will reach them till the basket be divided betwixt them, and then to pelting each other they go; and so are all Sundays and holidays spent.

Of Lucca. "The keeping the *Calcia* at Lucca very solemnly this year, invited many from this place, whereof I was one, to go and see it. It is a fair city, the head of a republic, that lies between the mountains, of which small states there are many hereabouts. In this town are many fair palaces and brave buildings of stone, but the narrowness of the streets spoils the beauty of them. It is

finely walled about, and hath a strong garrison continually in it. The people are accounted the civillest in all Italy; and, in their customs, are nearest to the English of any; nor are they so strict over their daughters, nor jealous of their wives, as their neighbours.

"The *calcia* is a play, to which the inhabitants invited the Duke of Hinsburg, and, I believe, cost them three thousand dollars, for they who played, were all in (white on one side, and red on the other) satin doublets, with suitable caps; trumpeters and drummers with rich liveries of the appropriated colours, and laced. There was one hundred and forty that played of a side, all thus habited; the princes of the *calcia* and their pages in cloth of silver. The play was almost after the manner of foot-ball; only they observe no certain goal, and strike the ball with their hands, and they, who can get the ball beyond the appointed bounds, win; but the greatest sport we had, was to see them fight for the ball when it was in the middle of them all. The *Calcia* sport.

"15th February. Now Carnival begins to grow hot, the Sundays come not about fast enough; so that scarce a day is for business, but all for sport. He is a wise man that now knows of what sex his companion is; so frequent is it for women to alter their habits. But then the man shall be in petticoats (if it be for nought else but to ac- Of the women at Leghorn.

company his disguised bedfellow), lest her disguising should be a means to set a beast-like mark upon her husband's head. So damnably jealous are these, and such a fashion is it to be so amongst them, that he, who, at his going abroad, locks not his wife up, not suffering her at any time to stir abroad, unless to church, and not then without a guardian, is esteemed no less than the worst of cuckolds. Nor is their jealousy less over their daughters, who are kept in the most extreme severity imaginable; so that their sweethearts make love to them at the window. Nor is their consent at all thought necessary, if the old man can but find a match to his liking, be the conditions never so bad on the maid's side. But yet they have the wit to allow themselves all the freedom in the world, it being no disgrace for the best man in Leghorn, to keep two or three ladies of pleasure, and to own it publicly. Nor do the light sort of women, of which there are in this town abundance (nor indeed are they scarce in any part of Italy), imagine any disgrace in publicly owning their profession. And I believe their frequent going to church (they appearing most fervent in their devotions) aims only at like success; as when the seaman returning said to his wife, "Are you turned bawd yet?" "No, John," said the woman, "I am a whore still, and I hope God will keep me so."

"March.—Now the people of this town have a devotion to a place called St. Jacopo's, about a mile out of town, every Friday in this month; whither wives and daughters, who at no time else see the sun but at their windows, and in a short walk to the church, now have the pleasure of so fine a walk, to their own refreshing no less than the delight of such as pretend an interest in them, and yet never saw more of them than their heads at a window. Devotion to St. Jacopo.

"The women of this place are for the most part black-haired, some of them fair and well-featured, and (for the better sort) go after the English or French fashion. I remember, I have heard you say, that fashions and manners generally travel from south to north, which opinion I would have you recant; for here she counts herself not fine that hath not something English about her. And to say this or that comes from England, gives a greater esteem than we conceive when, at home, we call any thing French or Italian. And this, not for some particulars, but for all manner of things. The men also are habited in the same way. Affect English things.

"Here is a fellow in town, who lived five or six years with a merchant in London, and this Carnival, taught seven or eight of his comrades to dance after the English fashion, only two or three country dances, which they performed at a *villice* English dancing, and the temper of the country.

(that is a meeting for dancing), and with so general applause, that it is said the great duke will have them dance before him at his next coming to this place. This is only to show the false relations of many who travel these parts; and that we have no reason to undervalue ourselves at home so much as many do; I not finding any one thing which may make me prefer this country, setting aside only the stone-buildings, and the temper of the air in winter. But then, as the winter is temperate and serene, and the fields green, so the extraordinary heat of the summer burns up all; wherefore the winter is justly esteemed the most pleasant time. I am not, in what I say here, at all partial, but endeavour, as near as possibly I can, to express my own sense of what I observe. And I am confident none can tax what I say of the least falsity, whatever may appear of negligence or ignorance in ill-setting it down; and I would not have any one think I esteem it an excuse or commendation to myself to say, as I must do, that my thoughts are here set down without either premeditation or alteration.

Visits Florence.

"The tedious stay of the Hollanders' convoy, on which I intend my passage to Smyrna, makes me continue at Leghorn longer than I am willing; it being to me loss of time as well as chargeable; so that, having nothing to do, my business not lying here, I undertake a journey to Florence, which is

a city about fifty-five miles from hence: that nearness of the place, convenience of company, and its being so well worth seeing, inclined me to bring that voyage under my account of expenses, which will be considerable, lying still here. Perhaps my friends may think this visiting of places no sign of good husbandry; but let it be considered that an idle person is subject to expense, wherever he lieth, and the well employment of time, and experience to be gained this way, may countervail some increase of charge.

Of the country and husbandry.

"The road to Florence is all along very pleasant, corn-fields, green on all sides, and planted with willow or sallow trees pretty thick, but orderly, which serve only for stakes for the vines which are planted at their roots. The country in the plains very fruitful and pleasant, and very well watered with rivulets, which spring from the rocky mountains not far off. On all my way to this city, I have not seen any fallow ground at all; but they use dunging the ground so much, that it is a very ordinary calling for young fellows to travel the roads, with a basket at their necks, to pick up horse-dung, &c., which they sell to countrymen at a price according to the quality. The manner of landlords dealing with tenants, is quite different from the common use in England; for they bargain with a country-fellow, as well as they can, for what share of the crop the man will

allow; he being at the charge and pains to till the ground, and the landlord usually finding half the seed, and hath commonly the same part of the crop; but they regulate their bargains according to the fruitfulness of the land; so also for wine and oil.

The gentry are the retailers.

"I have often seen those three most useful things in the world produced in one and the same field, the olive-trees amongst the corn, and the wine in the trees. But, in this place, the gentlemen have one prerogative which, for contrariety to our use, may seem strange. No countryman is suffered to sell any wine but by wholesale; retailing being reserved as proper only for the nobility and gentry. And to signify the same, you shall not see a gentleman's house any where, without an empty flask, and there the people go and fetch their wine flask by flask; and in Florence, he, that hath a flask hang longest at his door, is counted the richest man.

Of Florence, and its buildings.

"The city of Florence stands upon the river Arno, whereby it is parted, but joins itself again by four bridges, upon the chief of which only silversmiths are permitted; who, contrary to the usual manner in London, work and sell both. The river is broad but shallow, and navigable only by small boats, which serve to bring up merchandises from Leghorn. It is scarce navigable at all above the town; but extreme subject to sudden

risings from rains, which, in this country, fall very fierce, and, coming from the hills, cause excessive floods, and not only sudden, but often; and banks are maintained upon the river accordingly. The town is walled and ditched about, but kept dry for the profit of the ground. It is so ordered that, at a very small warning, the ditch may be filled from Arno. The walls are ancient, and not thick, of stone, and encompass the whole city, and somewhat more. Although the compass of the walls makes the city seem large, yet, in truth, one quarter of the inclosed ground is unpeopled, and sown with corn, and wine planted, besides gardens which most houses have. But the religious houses, especially, are very well accommodated in this kind; and there are abundance of them in this place: they count one hundred and twelve nunneries, besides seminaries and other orders of men, of which there is no want. The streets are extreme beautiful, clean, and neat; adorned on either side with the palaces of the noblemen of this country, which palaces are built of very fair stone, and well wrought. The churches also are very beautiful, most of which are of coloured marble, very fine to see; the *Duom* after the aforesaid manner, large and very high; and also the *Cupola*, as they call it, which is round and very high, for at the summit stands a copper ball gilt, which below seems of no extraordinary

bulk, and yet of capacity to receive in the hollow above twenty men.

Of the rich chapel.

"They have got a trick in this town, not to finish their churches, but leave some part or other not done; and it is said that the great dukes have a policy in it; for by that means they keep to themselves revenues destined for that purpose, which otherwise would go out of their hands. Amongst the rest of the unfinished buildings I will reckon a chapel, begun a long time since by some of the duke's ancestors, so extraordinary rich, and of such admirable workmanship, that the like is not elsewhere to be found, as all men agree. As for the outside, little of what is designed is yet done to it; and the inside not half ended: it is all done with hard precious stones sorted by colours no other than the natural of the stone; and yet the coats of arms, and all other forms, are wrought lively beyond all power of description, and, for strength and lustre, far beyond any painting. For red, they use coral; for white, mother of pearl: porphyry and crystal, are the lowest materials they use. In fine, it is so rich, that I am of opinion it will never be ended; for the duke allows but thirty thousand crowns per annum, which makes but a small appearance in seven years' work. The altar is almost ended, being of the same sort of rich stone-work; the table or main part of it, whereon the mass is said,

is of pure beaten gold (kept in another place to be seen) and the cross to it is large and all of diamonds. I am almost ashamed of what I here write concerning this chapel; for the workmanship is so excellent, and the materials of such extraordinary value, that no man, who sees it not, can believe what is said of it, and even he, that sees, is not able to conceive the labour, and skill which is necessarily used in composing these precious stones: you shall see of them, in one coat of arms, without number, and yet so exquisitely joined and set in, as you cannot apprehend possible to be done.

"From this let me proceed to a description, though imperfect, of the duke's gallery, which I account the next thing of notable importance. It is a place long and double, and, at the bottom, arched like the Exchange of London, and differs from that, in not being square, but of great length, and open at one end. At the bottom, you pass through open vaults into several rooms, where law-matters and other public state-businesses are kept. Over them are several rooms round about, for the workmen to work in, for the chapel, and other curiosities in stone-work, wherein the duke delights extremely. Over this is nothing but a plain gallery, on both sides adorned with statues; and on the outermost side are hung pictures of most men of note; as kings, &c. in Christendom.

The great duke's gallery, and curiosities.

Several rooms open into this gallery, in which the duke delights to preserve all manner of rarities, antiquities, and curious workmanship of all sorts. In one room are to be seen all sorts of armour and weapons of war, ancient, and as well such as were formerly used in these parts of the world, as what have been found in foreign countries and lands, at their first discovery.

A room of curiosities.

" Another room is full of relics of antiquity of all sorts, as statues, old iron-work, and pictures, which they say had their being very long ago, and are the works of the first professors of that art. There are also, in that room, pieces of ivory wrought most exquisitely; but of these matters expression fails, they are peculiar to sight. The curious workmanship and pretty liveliness of the postures make them most worth any man's view, that hath occasion to come this way. There are small figures of ivory, but yet not so small but far exceed any one piece, and the joints are so exact, you cannot perceive where the pieces are put together; and for turnery work, there is of it so small and crooked, as is admirable.

More, and of the mosaic works.

" From this gallery we passed into several other rooms fraught with rarities of various sorts. The duke much delights in works of stone, as I said, and therein representations of birds and flowers, and other things, upon cabinets, and tables, of which the very best are here to be seen. Among

others, he hath one round table not very large, so admirably wrought, representing all manner of flowers in pots, that he esteems it invaluable. There are cabinets extraordinary rich, adorned, not only with this sort of stone-work, but with jewels also, and the best to be found of all sorts. I shall say no more concerning these rarities, but leave much to your own imagination to suggest; and pass to what I have to observe without the city, that is, the gardens and country-houses of the noblemen of this place.

The houses and water-works.

"As for their houses, they are pretty and convenient, but small; yet large enough to contain the most numerous family of any amongst this people; for it is not the use here, as in England, for a gentleman to keep many servants. You will find the expense of a nobleman here, in matter of servants and housekeeping, to be short of an ordinary gentleman in England. But, as for their gardens, and water-works, they are very sumptuous; and the places hereabouts are very fit for all sorts of inventions in water, standing not far from the great hills, whereby, with a small charge, they raise water to what height they please. It is hard to make a description of these things; the design of all commonly is to imitate rocks and caverns under ground, rains, and rivers with tides. These inventions are so cunningly laid, as shall entrap the unacquainted stranger, be he never so cautious.

As, in some of these summer-rooms (which are all vaulted and marbled) some chairs are so made and placed, that after you have sat in them a small time, an hundred several spouts shall be upon you.

The show of perpetual motion.

"In one of these palaces, belonging to the duke's brother (a cardinal), among divers other rarities, they show a perpetual motion, as they call it, which is two brass balls running in an hollow ring of the same metal, and when one comes to the bottom the other is a-top, and that, at the bottom, falls off upon a spring which beats it up to the top again; and so the motion continues. But you must know that the spring is invigorated by clockwork underneath, and so the perpetual motion is but temporary. The device is so clever, it is past my skill to describe it, only so far, that the parts fail of the continuance of motion pretended."

PASSAGE TO SMYRNA.

Of the burning mountains.

"In my return from Florence, I passed through another part of the country, and took Pratoa and Pistoa in my way, and so by Lucca to Leghorn, where I passed away my tedious time as well as I could, till the arrival of the Flemish convoy bound for Smyrna, the port I am designed for.

May 20.

"And upon this convoy I took my passage, leaving Italy a-stern; and, after various winds, we arrived in sight of that mountain (of which I

have somewhat to say) called Strombolo. It stands about ten leagues distant from the Vear of Messina, and at the time of our passing by, according to its usual custom, belched out fire and smoke in a most terrible sort; ceasing about half a quarter of an hour between time and time; and this is its continual course more or less; but, in its violence, it is governed by the winds. Not far from this stands another mountain called . . . . . which casts out smoke in great abundance, but never flame. We passed near enough to have seen the flame of Mount Ætna, but it was not at this time in the condition of Strombolo; so we saw the mountain without either fire or smoke.

Of Messina, and the Feast of Madona de la Littere.

"In that narrow streight between Sicily and Italy stands the town of Messina, famous for the commodiousness of the harbour; but for nought else that I know, except the superstition of the people. We had the happiness to have full sight of that, and their pride, the first of June, which began the three days' feast of the Madonna de la Littere, so solemnly observed by them as no town can boast the like; only they want antiquity to authenticate their ceremonies; for they began it about three or four years since, and every year it is augmented. They are not stated to any particular place of the city; but generally all over, every man, of what trade soever he be, endeavours to make his shop as fine as he can. The

goldsmiths set forth their plate, some make flags of silver dishes, soldered or tacked together, and hang them out in the streets; so other trades set out their wares, even shoemakers and horn-sellers. And within their shops, they all endeavour, as near as they can, to resemble churches, with altars, &c. and all in devotion to the Lady; and a world of strange miracles doth this short time produce, while the ceremony lasts, lost goods found, examples made on such as thieve at this time, which they account no less than sacrilege in an high degree. One place had a fancy which pleased me: it was the quarter of the cheesemongers and bacon-sellers, &c. In a broad place they had made artificial trees, hung as thick of all sorts of provisions, as you can well imagine, to be in imitation of plenty. So here was meat, but none to be sold, wares, but none to be bought, and the shops were churches without any masses.

The night-show, &c. prevented.

"The day-time had the least share of this glorious ceremony; for, in the night, the churches were set out with lamps, and flags of such lights hung out in the street, and all the upper, as well as the lower windows illuminated with three tier of lights at least. We saw also the general preparations that were made in public parts of the streets for fireworks, &c. and for the procession of the hair of the Lady, wherewith her letter was

sealed; but the wind permitting our stay for one day only, did without doubt deprive us of the best part of the ceremony, which was to come at last.

"Under an handsome gale, we put to sea, and came among the many islands in the Archipelago; but it failed us, and soon proved worse than so, fresh and contrary, which forced us to lie basking in those narrow seas, expecting when a more favourable gale would help us on our way to our desired port of Smyrna, which did not presently come to dismiss us out of this purgatory. Winds in the Archipelago.

"We are here in the ship several nations of all sorts, French, Italian, Spanish, Dutch, Armenian, Greek, and what not; and as much variety of religions and languages, and none wanting company to speak with in any language he pleaseth, except myself, that am left to talk English all alone. The utmost extremity of bad weather, or what else desperate danger can happen, would be almost welcome to me; as the case stands, only to have the diversion of seeing what effects it would have upon our passengers; then we should enjoy them in their several sorts of humours, far surpassing the best comedies you have at London. You may conceive what a dumb show I should have had here, if the time of my stay at Leghorn had not made me somewhat acquainted with the Italian tongue, which is most generally spoken of Variety of Passengers

any. The language is not difficult; and I find the little Latin I have to be an extraordinary help in attaining it.

The Dutch heavy sailors.

"After three or four days basking thus in the Archipelago with contrary winds, between Negropont and Andria, with wind and current in our teeth, so fresh that we could get nothing by boarding it; a fine gale sprang up, with which we hoped to weather Chio. But these Flemings were such dull beasts, both ships and men, that nothing, but what is very ordinary, is to be expected from them; I will not say that they grudge pains, for they are laborious enough; but they have not the nimbleness and ingenuity as I have seen in our English mariners. Hans will sooner heave a dog's dirt overboard, than bestir himself to save a sail when it is splitting. I believe, had our Archangel vessel been manned with this sort of people, after the rate they behaved themselves here, we should not have come off as we did. It may be said I am partial; for did not the Dutchmen pass the same voyage with us, and at the same time? It is true, but, when we were tacking and turning in extremity of weather, to get a little a-head, they took in all their sails, and went all hands to the grout-pot and bread-basket. And that was the reason that, in this voyage from Russia, of our three companions, the first arrived twenty-four days, and the last five weeks, at Leg-

horn after us, though we set out together. They split sails here in the Archipelago, and in the Vear of Messina, so as one would be ashamed to speak of it. And Hans stood gaping up with all his eyes to see which way the wind went to work to do it; and, so long as they have more sails below, it matters not with them; and, to let the ship come a-stays, is the least thing of a thousand. Well: but of this more than enough. With this good gale, 3d June, we arrived at Smyrna."

REMARKS FROM SMYRNA.

"As to the tides here, there is not any, at least as we think; for, the place standing in a great bay, the motion of the water is hindered by the winds, which here, all summer, constantly blow the chief part of the day, that is, from nine to six, off from sea, coming not always just at the same hour, but a little sooner or later, and so hard that it seems a storm. This is called the *Embatty*, which, with the other winds, altogether govern our waters. They are very low with a northern wind, and with a southern, or *embatty* from the sea, very high. I have not heard that any place in the Streights hath any considerable tide, except Venice, where it flows orderly. No tides for the Embatty.

"We have a castle here, which stands by the sea-side, on a point of land about three leagues from the town; and usually it is most plain to be The effect of the air by clearness or foulness.

seen; but sometimes, in thick weather, it is not discernible by any man that stands upon the ground, yet mounting a few steps, it may be seen: and by this we judge how thick the air is; for in the thicker air you must mount so much higher to see it. This I allege, to disprove the reason given for the sun's absence a-low, and appearance upon the top-mast head, to be the solid earth or water, from the convexity interposing; for that is always the same, and cannot change with every weather. This is an excellent place for experiments of this kind; for we perfectly know the distance of ships from us, by land-marks, which of necessity they must pass; and a small matter of clearness or thickness of the weather, makes so much difference, that we judge it by how much we can see of a ship, when she is at such or such a place: and, with help of glasses, we shall only see a ship's two top-sails, when, in clear weather, we shall see her low sails also. And the like difference is between the clearness of the top-sails more than of the lower, which confirms this opinion.

The Greeks oppressed by the Turks.

" As to the Greeks of this country, they live not up in the midlands, but in few places; their residence being most in port-towns, as here, Constantinople, &c. The islands of the Archipelago are altogether inhabited by them. They pay to the Grand Signior yearly six dollars a head, poor and rich, which is levied by the Archigees, the

duty being called *arrach*. The Turks have divers ways of eating (as it is here termed) upon them, often punishing them for their habits, if in it they at all incline to the ordinary wear of the Turks. Every governor, upon his first coming, will be sure to fine them in a round sum, which they levy among themselves as best they may; their usual way is to join trades, and bring the money in.

Trades governed.

"All trades here have heads, much like the masters of companies in England, who see that every one doth his duty. They have churches; and all freedom in performing their ceremonies, that possibly can be allowed them; the Turks holding, that all men are to be saved by their own religion; so that neither Christian, Turk, nor Jew can curse either's faith, but, upon complaint to the magistrate, you may have them punished.

State of the Greeks.

"The Greeks are generally so poor, that they are not looked on by the Turks with any envy, but scorn; few ever attaining to any great estate; but if any happen to do so, he must look to bribe high such great men as know him, to keep them his friends, and live in what obscurity he can. But, after all, it is very hard for him to behave himself all his life, so as, at one time or other, they shall not find a hole in his coat, at which they drain out that which otherwise might have troubled his children to divide; but, if he keep it till his death, what children he has share it.

Governors tyrannous, and yet slaves.

"The power, which governors of towns have over the Greeks, is uncontrollable; none being able to contest with a potent Turk, unless he can make one more potent his friend, and so escape. Those that have lands, hold them by a writing, and Turkish witnesses, who must be present at the bargain. Of the fruits they pay one-tenth to the Aga of the place, who, buying his government of the Grand Signior, by extortion and what not, makes as much as he can of it during his abode, which is never long. The poor of all sorts are slaves to the rich, and, among the rich, there are often money-combats; that is, they go to Constantinople and bribe for places, which may make them masters one over the other. It is common so as not to be thought at all strange, for a Chiaus to come down, and take off a great man's head, and then eat up all he finds of his.

Of Turkish government

"Turkish government is tyranny in the highest degree. And these inconveniences come of it; that no man is sure of enjoying what he is possessed of an hour, but lieth at the mercy of his superiors; and yet there is no place in the world in which an ingenious person comes sooner and certainer to preferment, than in the Turkish court. For there is no nobility, nor doth any great man's son enjoy his father's estate; but, when any rich man dies (that is very rich), the Grand Signior presently takes what he can find, and gives

a portion to his children, as he thinks convenient. He that riseth from a footman to be a basha, is not at all dis-esteemed for the meanness of his birth, no more than a poor great man's son is esteemed for the height of his, after his father is dead, or in disgrace.

"We live here in a country admirably pleasant, and bringing forth all that is to be desired both for delicacy and ordinary food. I should esteem the natives here, were they not so much enslaved by their rulers, for a people living in the height of happiness; but, as they are used by the tyranny of the place, under which we also groan, it is far otherwise; only we have this advantage, to think of our friends, and returning to them in England, which is the greatest of our felicity. Happy situation spoiled.

"The people of this country, and others, are so extraordinary much for the time present, that none takes care, when he builds a house, that it may last above twenty or thirty years; by reason of which, you shall not see a good house in any place whatever. They are generally built of bricks sunburnt only, and laid with dirt, which, in some places, is daubed on the outside with mortar; and often they are so built that a wet winter washeth them down. I believe that, by reason of much rain that fell here, this place felt the destruction of above one hundred houses. When this generation is past, and the country comes to be inha- Of the housing, and the antiquities.

bited by a people laborious and industrious, as hath formerly been; in a very small time, nothing will be left whereby posterity may know, that such people as these ever inhabited here. Whereas, on the other side, all the spite of time and the Turks cannot raze out of the country the marks of great and admirable structures, as fountains, aqueducts, and temples.

Of common petrification.

"I wish that I were capable of laying down in fit expressions what I have seen. I have passed through holes cut in entire rock (of what use God knows) which were a furlong long, and there perhaps stopped with ruins; in some, clear passages, but all in stony unfrequented places. As to what is said concerning the growth of stones, I think it reasonable and true; for here on the side of a rocky hill full of springs, and of an earth fitter, as I suppose, for petrification than ordinary is, I have observed that which fully confirms what is conjectured; for I found here, in several places where the water hath fallen down, the stones to be exactly like icicles, which are of a sort so intricate, that it is impossible stones should be worn in the like form, but must proceed by water and earth petrified. When you see the side of a house down which the water hath fallen in frosty weather, and there frozen, think you see this place. When I was about Florence, I saw many artificial grots and rocks with water-works, in which the

natural of this was perfectly imitated. Now I have seen the original, as I may call it, I esteem the copy far more than I did, or could have done before."

After these troublesome voyages well over, our young factor found himself, what he infinitely desired to be, an agent for his master, and factor settled at Smyrna. His chief dependence was upon the benefit of his commissions; for his own capital was inconsiderable; he had from his parents but one single hundred pounds advanced for him to trade with. But his mother, out of a hoard she had made of small legacies given him, and some old gold of her own, and other matters she had scraped together, made up about sixty pounds more, and his best brother lent him what money he had, which was about two hundred pounds, his whole inventory scarce amounted to four hundred pounds; and this was all the beginning this famous merchant had. It doth not appear, that he was entertained a partner in any house, or *ragion* as they call it, where young men are as apprentices a while, to observe and learn, before they take the post of acting in the part of buying and selling; but he was independent, and stood upon his own legs. But it is probable that, as usual in such cases, he was recommended to some merchants upon the spot, for advice and direction in difficult matters at first. And, since I

His mercantile stock and factorage very small.

have no better light in these matters, I take them upon my memory, as well as I can recollect from his ordinary conversation. His business as a factor, besides what came from his master, was inconsiderable, perhaps a bale or two from such merchants as he had courted in London, by officiously doing business for them. In that part of early prudence, he had not been wanting to himself in London, having there officiously served divers of the Turkey merchants occasionally, as they thought fit to make use of him, and this with no view, but of their favour in a little employ when he went abroad; his master was no deep trader, and his commissions were not great. It may seem strange, that a young gentleman with so small a beginning as this was (small I say, compared with the common allowances of merchants in our days, *viz.* one thousand pounds at binding out, and one thousand pounds at going abroad, or rather more, now very ordinarily bestowed) should be able even to subsist himself in an expensive factory; and how then to raise a great estate as he did? The answer is very obvious, that, with industry and frugality, small things become great, and, without it, the largest provisions come to nothing.

Lived thriftily, and why.

He did not, as most young factors, set up himself in an expensive way of living, after the example of those that he found upon the place; for he

wore plain and cheap clothes, and kept no horse; and put himself to diet as cheap as he could; and, in all this reasonable conduct, he was forced to muster up his spirits in opposition to those who slighted him for it; whom he as much slighted by a steady perseverance in his own way. There wanted not those who expected more of gaiety from him, as well on account of his quality, as of the ordinary example or mode of the factors there, although some had occasion for as much thrift as himself. A young man of spirit hath enough to do to resist his own inclinations, and needs not the importunity or example of others to tempt him towards loose excesses; and it is not a common firmness, I may say magnanimity, that can get the better of both. I have heard him say that, from the time he first went abroad, till his return home, he had digested in his mind one principle, which often swayed him; and that was, to get abroad and spend at home; and he thought that, if he must put himself into a parade, it should not be among Turks, and strangers, among whom all he could do would not gain him any real advantage; for, if he were a little more looked upon there, to what good end was it? He must at length come away and leave all that froth behind; but experience at home had a lasting influence, and was seasoned with the joy of participating with his relations and

acquaintance; all the while cultivating a mutual esteem and lasting friendship amongst them.

Kept no horse, and once hunted on an ass.

In this thrifty way of living he passed his time at Smyrna for divers years, with a meagre income, and not promising much increase. If ever he gratified himself, it was with a distinction between the two grand circumstantials, the one is establishments, and the other for once (as they say) and no more. He stood not out in ordinary complacencies, but joined in such diversions as the rest chose, and used to say, *come una volta tanto;* or, as we say, "so much for once and away." But it was a long time before he brought himself to keep a horse, as the rest did; for that was an established charge. I have heard him say, that once before his cavaliership, the nation (as they call themselves) pressed him very much to go a hunting with them; and so he did, but instead of a horse, he hired an ass to carry him, and rode upon that. If this was done to show his firmness, and how little he stood upon forms, or regarded any man's opinion, it was very philosophical. This passage seems to us much more bizarr than it was there; for, in those countries, an ass-cavalcade is not at all extraordinary, but very common; and all the holy men use it.

The keeping and use of dogs in Turkey.

Having touched upon hunting, I may bestow a section upon the use of it in Turkey. First, dogs are counted unclean, and are not by the Turks

ordinarily admitted into houses, but run masterless about the streets; but it is accounted a charity to relieve them; and some dogs take the road, and follow travellers for their waste in eating, and do the ordinary service of watching, and barking at all novelty. But, for sport, the Turks keep a sort of greyhound, which they dress as fine as horses, and clothe richly; but the hound is not at all known or understood by them. The merchants at Aleppo keep and use greyhounds, and coursing, in the greatest regularity. At Smyrna, the merchants procured a pack of hounds, and hunted in the country after the English way; which was a prodigious mystery to the Turks, who scarce yet believe the dogs followed the hare by the smell, but think there is witchcraft in it. Fellows at plough have laughed, seeing the dogs run one way and the hare another; and, finding that sometimes the dogs came about after her, have lain down upon the foil, to prove whether the dogs followed the track or not, until they came up full cry towards them; and then ran away, as in a very great fright. One incident had like to have quite spoiled their sport, which was the mange; and that infested their pack to such a degree, as must have destroyed it, until a certain cure was found out, which was fluxing with mercury; a physic which they administered of course and regularly, scarce

ever failing of its effect to set matters right again. And the pack continues there, and is like to continue.

Character and conduct at Smyrna.

He was a gentleman ever brisk and witty, a great observer of all incidents, and withal very friendly and communicative; which made him be generally beloved, and his company desired by the top merchants of the factory. He was not a good fellow, as it is called, and, on the other side, not morose; but went along with his company, and not seldom beyond the measures he desired. He was ever a thorn in the sides of the foolish and malicious, and wanted not inventions to divert himself and others, by exposing them. This made all choose to stand fair with him; for he was a creature that had sharp claws and scaly sides. A young man, among his equals, had need be at least as well armed as the rest; for they are not given to moderation in making sport with each other, but rather on the other side, according as a companion shows an unguarded part, with tricks and stratagems always aiming to attack him in that quarter. This makes the breeding of youth to be always best among equals, and not with either superiors or inferiors. The former makes them abject, and the other insolent, and both unfit for common conversation; which, abroad in the world, is ordinarily among equals. He said that he never was caught in any of their novice-traps;

of which one, alluding to horses in a stable, is called tying up the head; and this they practise upon young or shallow traders, who deal by themselves. If they happen to have a large import, and all their warehouses are full, the old factors, fearing the young men should be too quick, and get the custom, conspire to discourse of not selling but at a price; the young men, with good reason, as they think, resolve the same; and then the others undersell, and leave them without opportunity; for their heads were tied up from their meat.

One Broadgate sent out chaplain.

There was one Broadgate, of whom more is related in the life of this gentleman's best brother: he was sent out by the Turkey Company in London, to serve as chaplain to my Lord Ambassador and the Factory at Constantinople; and, according to the philosophic adage, *Omnes stulti insaniunt*, All fools are out of their wits, might very reasonably pass for a madman. He was a fanatic, and a whimsical pedant; and accounted to himself, that he was to go over to be tutor to a parcel of rude irreligious boys, and that he ought to erect a discipline, and make a Presbyterian reform amongst them; in order to which he had framed a Catechism, and had it printed, and many of the copies stitched *in true blue*,* to be presented to the merchants at his first arrival, that they might be prepared for his future catechisations. Now, for the

* The Whig colour.

better understanding this historiette, it is to be remembered, that these factories carry themselves very high; and, if their chaplain be a venerable and prudent good man, revere him entirely, and, calling him Pappas, which is the term, in the Levant, given to their priests, not only observe and honour, but present him very considerably, so as he cannot but live well, and grow rich; and they will take any just admonition or advice from him, if it be respectfully delivered; but, if he be impertinent, or what they call a *Galli-pettine*, and thinks to treat them as boys, they despise and deride him.

Foolish behaviour of Broadgate.

And that was the fortune of this doughty doctor; for he had found out, that our merchant had a brother, formerly of St. John's College in Cambridge, whom he pretended to have familiarly known there, and, upon that score, fastened upon him; and he, having a desire to know the bottom of this man's talk concerning his brother, wrote to him, to have an account and character of him; which coming, the pappas was laughed at more than ever. He comes to the merchant, to know what his brother had wrote: the merchant read the letter audibly to him; then followed complaints, that, by means of this letter, he had lost his reputation in the Factory; and he desired to have the letter delivered up to him, that he might sue the merchant's brother in England for the de-

famation. A very reasonable request! But the merchant, instead of gratifying him in that, told him, that it would do him no service at all; for he had lost no reputation by it; and that he would prove to him, by showing, that, before that letter was wrote, he had none at all; and, opening his copy-book of letters, read to him the letter that he had wrote to his brother from thence, giving his character, with divers accounts of his behaviour there, which was of that sort as showed him his folly sufficiently; and so, in rage, he departed. This young merchant was guilty of another conceit, which was no small provocation to his reverence: Once, in his study, he saw lying upon his desk one of his catechisms, and, taking his pen, writes upon it, Broadgate's Broad Way to Bliss, brought forth for the breeding of the brutes of Smyrna. But such multitudes of affronts heaped upon him, of which I could give divers instances, if they were in any respect material, drove him from the Factory; and, afterwards, he lived very poorly upon his trade, that is conventicling, in London.

Earthquakes in the air.

I must often remember, that this young gentleman, however led by his employment into other trains of thought, yet never failed, upon all occasions, to make philosophic reflections, and nicely observed all natural appearances that fell in his way. There is somewhat of this kind in his cor-

respondence with his best brother; but one thing I have heard him speak of, of which there is no touch there, and that is concerning earthquakes. Smyrna is very obnoxious to those impetuosities, and therefore a fit place to collect an account of them. The merchant was clearly of opinion, that those which troubled that place, were wholly in the air, and not in the earth. He was confirmed in this opinion, by observing, that the ships in the road were equally affected as the land; if the shaking of the water had broke against the sides of the ship, it was all it could do; for the ship would have broke the water, before it could have contracted a trembling so swift and short. But the air wrought upon the ship, and not upon the water; therefore the water received its trembling, as the curlings discovered, from the ship, and not that from the water.

Experiments proving the same.

But a more distinguishing observation was this: He was once in a turret, above the tiles of the house; and there, by the rattling of the tiles of the houses on the one side of him, he perceived an earthquake coming, and took particular notice of it: it rattled the tiles of all the houses as it came along; and, where he was, it ruffled his clothes, and rattled the tiles there; and so went on in a line progressively, rattling the tiles, till he perceived it plainly gone beyond the city. And taking notice how its course bore, by his corre-

spondences from cities that lay in the line of its course, as near as he could judge, accounts were had, that earthquakes had been in those parts, as might have well been the continuation of this. It seems that the earth, being so massy and ponderous, is not susceptible of a quick and tremulous action, as we know the air is, which, having a spring, readily vibrates. Besides, if the earth moved, the sea would not readily comply, but, next the coasts, gather undulations, which would go off wasting, and, at a distance, come to nothing. These concussions in the air being so plainly progressive, amount to a demonstration, that the force, whencesoever it comes, falls immediately upon the body of air, and the impulsive compressions run along like sound, according as the valleys of the country lead them. But, what is the original of this tremendous action, which overturns cities, as Smyrna in particular, which hath been more than once so served, is easier inquired after than resolved. But, when the efficient cause of a paltry common whirlwind is found out, I believe the source of these aerial migrations (if I may so say of earthquakes) will be clearly understood.

Of true earthquakes and volcanoes.

It is obvious to conceive how another sort of earthquakes, or rather cascades of earth, may happen by means of subterranean fires: for, where there are ignivomous caverns, if a bag of water

(as the miners term it) breaks in, a mountain may be blown up by the explosion it makes; and that as easily as a bastion by a gunpowder mine; which glassmakers have found, to their cost and danger, when a small quantity of water hath accidentally fallen into their fiery metal; for that blows away furnace, and house with it. I have heard our merchant speak of divers volcanoes (as the igni-vomous mountains are called) which he saw going up from Italy, through the Archipelago, towards Smyrna; and one in particular, which they saw by its shining in the night: but, they say, it continually wastes, and, probably, will at length close up with a dish-top, like most other pics, supposed formerly to have been volcanoes.

An island in the Archipelago blown up.

He spoke also of an island in the Archipelago, which, in an earthquake, not long before he passed by, was blown up, and no more of it hath ever since been seen, than if it had never been. The consequence was, that the sea was charged, and all the coast of Asia soon beached, with pumice-stone; and of those spongy stones, great quantities remained after he landed; by which one would think, that pumice-stones were only a cinder of volcano fires. It was observed also that, before these pumice-stones appeared, the sea itself sunk considerably upon the coast; which shows, that it was no small cavity which could receive as well the whole island, as also such an immense quantity

of water. I remember, when this gentleman was sheriff of London, and used to attend on horseback to give orders about fires, and houses were frequently blown up with gunpowder, he often said, that the sense of those blasts much resembled that which he used to perceive in earthquakes, which, more or less, are frequently felt in Smyrna.

Had the Smyrna fever, and recovered.

After our merchant was well settled, and at ease in his business at Smyrna; he came upon his trial in order to a seasoning, which most strangers there early or late prove; and it was what, from some peculiar malign symptoms, they call a Smyrna fever; it is accounted little short of the plague, and despatcheth away many. When he found he had the fever, according to the humour of most sick people dispirited, he concluded he must die; and, to those that, to comfort him, suggested hopes, he answered, "What! a Smyrna fever and live! it is impossible." He lay under a great burthen upon his spirits, upon account of his being so far from his best friends and relations, of whom he was always most extremely fond; but, after many turns of better and worse in the distemper, as it pleased God, he recovered.

Difference with his master, and step into England.

After some years of his residence in Smyrna past, when he thought he had done very well for his master, and given him content, a difference sprang betwixt them, upon some articles in his

accounts, which, although of no great import or value, were yet of the last consequence for him to have composed; for, if his master from thence should take an umbrage to withdraw his business from him, who had little else in that place to depend upon, he must leave off and come away; and that was to be utterly undone. He was sensible that such matters, and so distant, could not well be settled by letter; for men in discourse, *tête à tête*, will often agree, who will never come together by letter; such advantage hath discoursing over writing. He considered all this, and resolved to make a step into England, and (as he used to say) make a hog, or a dog of it. But he had other reasons for this resolution, which were, first, to make himself known upon the Exchange, and, by contracting friendships and acquaintance, reconcile to him other principals, who might send him out again, in case his master persevered in a desperate quarrel against him; and as to that, he might purge himself upon the Exchange, and, by referring his difference, make his case known; and that his master, and not he, was in the wrong, and so at least make good his credit and reputation among the Turkey merchants: and secondly, to see his relations, for whom he had an infinite respect, and service, and showed it in his behaviour towards them during his whole life. This was not the least of his

reasons, for making a turn home, though but for a short enjoyment. I may add a third reason, which was, that, if his master dropped him, and he could not repair himself by new friends upon the Exchange, he was here at hand to busk for some other employment, as his friends or fortune might lift him into.

Poor living in the Lazaretto with the Jews, &c.

I have heard him relate that, in this voyage homeward, the company on board, bound for the same port in Italy, were a poor sort of traders, Jews, Armenians, and Greeks, who made profit even of their teeth. With these fellows he was shut up in a Lazaretto, to lie a considerable time before they were admitted to traffic. They seemed to decline his company, muttering about his having more money than they, who could not keep pace with his expenses: he was loth to break company on that account, and told them he would live just as they did; so they kept together. Here were two conveniences: one was having a little conversation, and the other saving his money, which could not be spent in a worse place. And in this course he persevered; but the diet was such, as he protested he thought, that, before he got out, he should have been starved. He was obliged to be cook, caterer, and hunt, in his turn, as they were, and without any manner of help, or any thing like a servant; he went with them so near as to wash and dry his own linen.

It was his humour to make no account of pains, or thought of hardships, when his engagements required. I have heard him say, that work of itself was hard, and taking care and pains fastidious; but if it was agreeable to do any thing called work, it was not really so, but pleasure; therefore it is incident to the true notion of work, not to delight in it.

Very doubtful of his condition, but persevered.

At his first arrival in England he was very melancholy, and inclined towards despairing of good success in the employ of a merchant: he had suffered much and laboured hard for divers years, and advanced but very little; and a continuance of that course of life, without being better paid, he accounted a slavery, and that he ought to make a better penny of his time and labour, or else make the best of a little, and enjoy himself at another rate than he had hitherto done. He declared, that, if he could have valued himself upon two hundred pounds a year for his life, he would have asked no more of fortune; for then he would have abandoned business, and lived in summer at Venice, and in winter at Florence; and so reckoned he should have been as happy as his nature would admit. It is a failing young men, for want of experience, fall into: they create Utopias in their own imagination, and calculate according to their present fancy, and think not what may, and probably would, be their opinion seven years after.

They suppose the greatest absurdity, viz. that they shall be always of the same mind, which one would think a few years would disprove; it is a weakness like that of children, who fill their eye rather than their belly. There is a satiety even of the best things, much more of the meaner sort. And, as many have done to their cost, he would have found his new course a greater slavery than business; and his repentance had been single, it is true, but continual, and lasted to the end of his life. It was one of the chief of his good fortunes, that he could not be gratified upon this scheme; his family could not afford him any thing, and places were not to be had without money; so his choice was not perplexed, he must stick to his business, there was no other means for him to live tolerably, much less to be rich and considerable; he thereupon resolved to flounce through, and did it with great success, as the series of this relation will demonstrate.

Agreed with his master though to his loss.

In the first place, he resolved to agree with his master, cost what it would; and accordingly condescended to his demand, and paid him a hundred pounds, as he affirmed, in his own wrong. And then he courted him, and other merchants, for commissions to return with, of which he had a competency; with that and his own little, and the accession of what he could borrow, he went out again to Smyrna with a handsome investment,

which put him in a better humour than he returned with.

An excursion at Venice.

I should have mentioned before, that, in his return from Smyrna, he stopped at Venice, and stayed there about a month, in which time he sated himself with the delights of that city; he kept his *gondolo*, which is like a coach in London, and, with that, coursed about the city, as the way of travellers and strangers there is. And I make no doubt he informed himself thoroughly of the courtezans, and their way of living; which, in that city, is an entertainment so far from being scandalous, that the most reverend of the senators use it. This was one of his once-and-away entertainments, with which he said a man might sometimes gratify himself; a person that is very brisk and airy, can scarce settle close to business, until he hath an excursion or two; and that, he said, was, *pur cavar il capricio*, that is to gratify the fancy.

Returned to Smyrna; a proffer accepted.

After his return and re-settlement a while at Smyrna, an opportunity proffered itself, which transcended all his hopes; he seized, held fast, and improved it to the utmost advantage, and thereby, in not many years, obtained all that his mind laboured to procure; which was to advance his fortunes, so as he might return home warm, and there settle himself with a family, and end his days among his friends and relations. He

used to say, that every man, at one time or other in his life, hath the favour of a fair proffer made him by fortune, and no person qualified to understand, and resolved enough to seize such opportunities, can wholly miscarry in the world. The fault is, either want of patience to expect, want of sense to know, pride and impertinence to refuse, laziness, or timidity to decline them. This incident I am about to speak of, was the great crisis of our merchant adventurer's fortunes; therefore I shall distinguish it by taking a new rise thereupon, in giving a farther account of his life.

MR. NORTH'S REMOVAL FROM SMYRNA TO CONSTANTINOPLE.

Removed to a *ragion* at Constantinople.

THERE was a celebrated house of factorage in Constantinople, of which Mr. William Hedges was the chief. The business of this house had been very great, but, for want of skilful accountants, and fitting conduct, it was lapsed into utmost disorder and confusion, and needed better workmen, than the present managers, to recover it. Mr. Hedges, finding himself not capable for such a laborious work, was so wise to pitch upon our merchant at Smyrna, and accordingly invited him up to Constantinople, and to take a part in their *ragion*, or house. There were but two upon the place, Mr. Hedges, and one Mr. Palmer, as I remember his name was. These two had great interest, and

large commissions from England, but our merchant very little, compared with their's; so, in that respect, he gained enough by the change. But that which swayed him most, was the advantage to be made by trade in that great city, and with the court, and with the dealers that came together, and resided for the sake of trade there, from most parts of the world; there not being a greater emporium upon the face of the earth than Constantinople, the seat of a vast empire, and where a merchant of spirit and judgment cannot fail of being rich.

The Factory at Constantinople out of order, and hard to reduce.

When he came up, he found the factory in great disorder. The estates of the principals, as well as of the house, trusted out in a loose way, and the accounts unskilfully kept; whereby, as the nature of such business is, they had been carried on into multiplicity of errors upon errors; so that no one man's accounts in the books stood true; nor was there any direct means to charge the debtors, or good grounds to go to law upon; and this, not in a few, but in numerous instances of very great import, and which concerned the merchants at London as well as themselves. The gentlemen of the house were in a miz-maze, and knew not how to take one step towards extricating themselves, and their business, and, in a word, they were at their wit's end; for, without a speedy rectification of this disorder, the reputation of

the house, as well as their own, and the principals' estates had gone to wreck. Good fortune was *ambidexter* here; for, as nothing could have fallen out more exquisitely adapt to Mr. North's desires, so, on the other side, no person in the world could have been found out and chosen more fitly qualified for the occasion than he was; and in this respect, I may venture to style him a phœnix, and depend upon what follows for a demonstration of it.

Took upon him the conduct of the factory.

At his first arrival, he applied himself to the business of the house, and wrought very hard to make himself master of it. And, although Mr. Hedges was head of the *ragion*, yet Mr. North fell into the whole direction and management; and the other finding him, as he expected, intelligent, industrious, and successful, had the discretion to let him alone, and interposed not to give him any disturbance at all; which is more than can be said of the other partner after he was gone; but of that in due place. There were divers persons of good value, as the dragomen, escrivains, &c. who had dependance on the house, and admired that Mr. Hedges should quit the helm all at once to this new partner. Of these some, for friendship to him, but more out of petulance, insinuated their sentiments, so as might have created uneasiness, or difference betwixt them; as for instance, whether it was for his honour to submit all

his concerns in that manner? And once, one urging him upon the point a little closer, he only nodded towards Mr. North, and said, "*Ecc' il padron*," or "There's your master." After that, finding who was master indeed, they behaved themselves with entire respect towards him.

Began the accounts *de novo*, being qualified.

As to the business itself, first the accounts were to be regulated, which was an immense work, and not to be done but by beginning a new set of books, and making new entries of all the open accounts, so as they might be understood and stand true, the old ones serving only as waste, whereout to pick the items of the transactions, as they had been done. Merchants are infinitely curious in the fairness, regularity, and justice of their books, which they esteem as authentic registers concerning, not only themselves, but all other persons that they have had dealings with, or may derive interests thereupon; and to such books appeals are commonly made; for they are, or ought to be, the truth, whole truth, and nothing but the truth of all that is done, and disposed in a method, viz. by waste, journal, and ledger, the most exquisite for repertory and use, that the wit of man, with utmost application, hath been able to frame. These, and other virtues of regular book-keeping, are well known to those who understand the practice of it; so no more need be said here of it. It is enough to affirm, that our merchant was

completely qualified for this branch; since there was not a more dexterous and exact accountant, as to the use of merchandise and traffic, than he was; and his mastery, in this respect, was demonstrated in England, when he was posted at the head of greater affairs than common merchandise; as after will be made appear.

The immense pains of getting in of debts.

The next Herculean labour was to state, and recover, the debts of the *ragion*, which must be done, and the dependences determined, by fair means, or foul; and then they must rest contented, and sit down by losses that are unavoidable. The merchants have a proverb, "Better a loss at sea, than a bad debt at land." The former has no worse consequence than itself, but the other draws loss of time and pains, which might be employed to more profit. His rule therefore was, if he could not get in all that was due from the debtor, he got by composition, barter, or other means, as much as he could, and so closed the account. These debts lay much among the Jews, and trading Turks, the scum of human kind; and often without any good evidence to charge them; whereby, if they had known their advantages, near all had been lost. But consciousness hath this good effect: a man is apt to suspect, that what he knows to be true, is also as well known by his adversary, and that what is really done, may be proved. Therefore, when our merchant charged

these debtors home, and with a visage of the greatest assurance, they very often owned the debt, paid part, and took time for the rest; when, in truth, the merchant could not, at law, have charged a scruple upon them; and when fair means, such as in this and other manners he used, would not do, he applied to the Turkish justice, before whom divers owned the debt, which, elsewhere, they had denied; and so, one way or other, he made conclusions of his dependences. This trade lasted many years, and obliged him to spend most of his time in hurrying about the city of Constantinople, for finding out, and speaking with people; which, in a hot country, close and populous city, almost wore him down; and often at night, when he came home, till some kind refreshment brought him to consistence, he was scarce alive.

Had managed above five hundred law-suits.

As to the law part of his business, it was so much, as in the end gave him a competent skill in the rules and methods of the Turkish justice; whereby, in common incidents, he could advise himself, and assist his friends. This skill (if I may make the comparison) was such as we may observe understanding citizens of London to have in the common law of England, by which they are enabled to deal upon secure terms; but how far that differs from the skill of a professed lawyer, I need not declare. I have heard our merchant say, that he had tried, in the Turkish courts, above

five hundred causes; and, for the most part, used no dragomen, or interpreters, as foreigners commonly do, but, in the language of the country, spoke for himself. He observed, that many fair causes were lost by the indiscretion of the dragomen, who neither took nor delivered the matters justly, as he himself, using his own notions and expressions, could do.

Acquired the Turkish speech and writing.

For these, and other purposes of his negotiation, he had laboured to gain, and had thereby acquired, a ready use of the Turkish language, and could speak it fluently. I have heard him say that, for scolding and railing, it was more apt than any other language; and he had used it so much that way, that afterwards, when he was in England, and much provoked, his tongue would run into Turkish of itself; as if to such purposes it were his mother speech. He told us, he once composed a Turkish dictionary, and showed the ordinary idiotisms and analogies of that language. As for instance, varying the case, mood or tense, not as we by terminations, but by syllables in the middle of a word; as Mahmet, Mahummet. This seems as old Abram, and Abraham; and the words he collected were disposed alphabetically; and he wished he had taken more care to preserve it; for it was pirated out of his house, and he could never find who had it; perhaps it may be now in England, in the hands of Dr. Covell. He not only

spoke, but wrote Turkish very well, and did it after the Levant manner, resting the paper on his left hand, and beginning from the right. There is great reason for their writing that way, as for ours contrarily. If we should hold the paper upon the left, and lean towards the right, the action would carry forwards the paper, and there would be nothing to stop it; but they, from the right, bear the paper against the ball, or rising of the hand, which stops it firm against the going of the pen. Upon desks either way is practicable; but with this difference, that, from the right, the pen is apt to shade the writing, but, from the left, all is open to view; and the Turks, to help this inconvenience a little, seldom write square, but beginning high, draw down their lines a little across the paper, and in so doing, affect a strange, but not uncomely irregularity. The Nation maintained a Turkish Effendi, or priest, at a salary, who was to attend every day for the purpose of Turkish writing, especially letters, which must be done with a formal address, according to the quality and condition of the persons wrote to. This was a grave old man, who was a doctor in addresses and forms of concluding; but as to business, our merchant commonly took the wording of it to himself, not trusting, and often overruling the effendi; with whose expressions, in mercantile affairs, he was seldom satisfied.

As to matters of the law, he had certain schemes by which he governed himself, and seldom failed of a prosperous success. One was, to make and cultivate an interest or friendship with some grave and reasonable Cadi, or person learned in the laws, and keep him in good humour, by frequent, though small presents; much short of what the feeing of a single counsel in England would amount to. And, in all his doubtful matters, he resorted to his learned friend for advice, which he faithfully gave him; and as he encouraged, or not, so the merchant ruled himself, and found great benefit and security thereby. He was very fortunate in this practice; for a certain grave cadi, who was a knowing, faithful, and humane person, fell to his share. Once a green-head Turk, (one of Mahomet's kindred so distinguished) made him a proposition, with terms of vast profit; but, suspecting his reverence might have some trick in reserve, he repaired to his learned counsel, who, being made sensible of the matter, clapped his hand on his own great turban, "Merchant, merchant," said he, "deal not with these green-heads of ours, for there is none of them so empty, but will afford wit enough to cheat you." There needed no more; the merchant made his obeisance, and retired clearly satisfied with his deliverance, and, for the future, resolved to deal with the devil as soon as with a green-head.

Had friendship with, and counsel from a Cadi.

The trade of the judges in Turkey.

Another of his schemes (not a little the practice of most Franks residing in Turkey) was, before a trial, to show the judge a respect by making him a small present, and then to make his cause known to him, before he brought it on. The judge ordinarily takes this in better part, than a great present, and nothing of the cause said along with it; for that implied that the cause was bad, and that he was to be corrupted. If the suitors or the cause be considerable, and no present at all is given, the judge looks upon himself to be slighted, or rather defrauded; for he accounts something is due to him for doing justice, not much unlike what is here termed fees, only without state or rule as the European way is; and such omission is not wholesome, even for a good cause. Their law hath so many turns and subtilties, that a judge, if he will use an artful conduct, may find plausible colours to sustain or baffle almost any cause; as may be done even amongst us; for, if a judge will take a liberty to presume on the one side, and hold the other to a strict proof, the cause goes which way he pleaseth. The judges in Turkey will not ordinarily do flat injustice for any present; and if neither side slights them, how unequal soever the presents are, they will determine according to right. But this argues not that all are such, but many are corrupt judges, that direct their decrees to the fairest chapman; and

it were well if there were none such any where else. Here we mean of the community, neither rigidly precise, as some are, nor desperately wicked in their way, as others may be; and as he alleged, in opposition to those who think that all things are arbitrary and corrupt there, as if so mighty an empire could stand upon those terms. Allowance ought to be made for the various sentiments, remote nations have of the same methods. Here with us, a present to a judge of a cause depending, though silently made by one of the parties, is unlawful, and accounted no better than a bribe; there, it is not only lawful, but expected as a kind of duty to the judge. Here, for a party to offer at instructing the judge in private, is intolerable, and the judge, that endures it, professedly partial. There, it is the best way for a suitor to go to the judge, and make known his case, by which the judge esteems himself much better able to judge rightly, when it comes judicially before him. There is no sight in the comparison, whether their methods or ours are best; the sequel may perhaps show somewhat tending to a decision; and, in the mean time, let it be remembered that there are no processes, arrests, bailiffs, bails, spungings, dilatories, errors or appeals, as I shall more particularly observe afterwards.*

* Of justice in Turkey, a later writer has said, "Much has been said of the equity of the Turks. If we look to the

The use of false witnesses.

Another scheme of our merchant's law-conduct was touching proofs. The Turkish law rigidly holds every person to prove all the facts of his case by two Turkish witnesses, which makes the dealing, with a view of a dispute, extremely difficult; for which reason the merchants usually take writing: but that hath its infirmity also; for the witnesses are required to prove, not only the writing, which with us is enough, but they must prove every fact contained in it to be true, or else the evidence is insufficient. It fell out sometimes that, when he had a righteous cause, the adversary was knavish, and would not own the fact; and he had not regular and true witnesses to prove it: he made no scruple, in such case, to use false ones; and certain Turks, that had belonged to the factory, and knew the integrity of their dealing, would little scruple to attest facts, to which they were not privy, and were paid for it. I have heard the merchant say, he had known that, at trials, Turks, standing by unconcerned, have stepped forwards to help at a dead lift (as they tell of a famous wit-

example of their sultans, viziers, pashas, and judges, selling justice, can it be supposed that these examples have not corrupted the people, though they were naturally good? The truth is, that they have so little idea of justice themselves, that when they go to law (that is, appeal to a cadi) they rely more on bribes and cabal than on an impartial judgment." (*Eton's Survey of the Turkish Empire*, p. 247.)

nessing attorney, who used to say at his trial, "Doth it stick? give me the book") and these expect to be paid; and the merchants fail not to send them the premio; else they may cause great inconveniences. Nay, a merchant there will directly hire a Turk to swear the fact, of which he knows nothing; which the Turk doth out of faith he hath in the merchant's veracity; and the merchant is very safe in it, for, without two Turks to testify, he cannot be accused of the subornation. This is not, as here, accounted a villainous subornation, but an ease under an oppression, and a lawful means of coming into a just right. The Christian oath is not in the case, so there is no profanation; and (upon the whole) the morality of the action seems to depend on the pure justice and right, and not upon the regularity (in a Christian sense) of the means. The Turks in their country are obliged, as we are here, by the rules of common justice. But it is to be supposed that, being here, they would not regard our forms, but would get their right, if they might, by infringing them all. So we, in that country, are obliged, in common honesty, to observe even their law of right and equity; but have no reason to regard their forms; and the compassing a right by any means, contrary to them all, is not unreasonable. But, to apprehend these diversities, one must have a strong power of thought to abstract the preju-

dices of our domestic education, and plant ourselves in a way of negotiating in heathen remote countries.

A false witness better than a true one.

Our merchant found by experience that, in a direct fact, a false witness was a surer card than a true one; for, if the judge has a mind to baffle a testimony, a harmless honest witness, that doth not know his play, cannot so well stand his many captious questions, as a false witness, used to the trade, will do; for he hath been exercised, and is prepared for such handling, and can clear himself, when the other will be confounded; therefore, if there be true witness, circumstances may be such as shall make the false ones more eligible.

The French church built with help of a contingent witness.

Our merchant told us, that the French had a mind to rebuild their old church, which had lain long in ruins, and to make it larger than formerly it had been: but that could not be done; for the Turkish law prohibits it; and they were forced to go before the judge, and obtain an *odgett*, or judicial declaration, what were the dimensions of the old church, before they could attempt to build the new one. They hoped to prevail with the judge to allow their intended enlargement; but he required witness that it was so before; and they tried and tried, but could not make the proof to his satisfaction. At length a grave Turk, with a long beard, came in of his own accord, and, saluting the judge, asked what the business was,

which being told him, he stroked his beard, and, by tide and by token, made a better witness than they ever expected to find or procure; which was a greater surprise, because, by his grave entry, they, knowing his character, feared he came to testify against them. Upon this the *odgett* passed, and the building went on; and the willing judge was very well satisfied. But the French had advice given them to send this old man his fee, or else he would have found out a way to have spoiled all again.

Debts required in the next world.

Notwithstanding all our industrious merchant's endeavours, many of his suits failed; but he had, not only those, but divers other crosses, such as will happen in a multiplicity of dealing, out of which he had learnt a most useful principle of life; which was, "to lay nothing to heart, which he could not help;" and, how great soever disappointments had fell out (if possible), to think of them no more, but to work on upon other affairs, and, if not all, some would be better natured. I have known, when the rebellious spirit hath risen, he hath conjured it down, by saying in great zeal, "The Pope hath not his will, the king of France hath not his will, the king of England hath not his will, the devil hath not his will, and by G—— I will not have my will." I have heard him say, that when, for want of proof, he lost a just cause, he hath said to the adversary, "Well,

you have thought fit to deny my debt before the judge, knowing I had trusted you without witness, and so think to cheat me; but, depend upon it, I will exact the utmost farthing from you in the next world, where all truths will be known." And some men, upon such menace, have come and paid the debt, to be acquitted in the next world; for the Turkish religion teacheth that, in the next world, all just debts and demands will be rigorously required to be paid, and performed, with strange severities to fall upon them that, in the former world, refused to be just.

Once helped a judge through a difficult cause.

Our merchant had once a great honour done him by the cadi of Constantinople. There was a very intricate cause, at trial before him, between two Armenian, or Greek merchants; both sides had good colours, and a great noise and clamour was made, and the judge could not, to his satisfaction, unravel the matter. Our merchant had been once a sort of arbitrator betwixt them, and attended to hear how the cause went. Both parties talked much of Signor North, that he knew this and that to be true. and that he, having examined all circumstances, knew that the one and the other (for both claimed him) had right. The cadi asked where this Signor North, they so much talked of, was; and one, spying him in the court, said, "there he is." The cadi called him out, and required him to speak all his knowledge of that

business. He thereupon, in the Turkish language, made a large and limpid deduction of the whole cause, and concluded, that, in strictness, the law might be for one party, but he thought the equity lay on the other side. Neither side controverted any thing that he had related, but admitted the fact and circumstances to be so. Whereupon the judge, without more ado, decreed for the equity; and so the cause ended.

Once accused before a cadi, but not hurt.

Once he was put in a terrible fright before that cadi: a perverse impudent knave of a Turk made a false demand against him, but prevailed not; and then, like an able counsel for himself, fell to railing and personal reflections: he told the cadi, that man was an insolent unbeliever, and had been for divers years an oppressor, and had made miserable many of the grand signor's subjects, with a world of opprobrious terms, as might have given the cadi handle enough, had he been so inclined, to have done him some mischief. The merchant stood still, and replied not one word; and still the Turk went on: at last the cadi looked sour, and, raising himself up, fell foul upon the Turk, for blaspheming the grand signor's righteous government, by pretending, that such a monster of iniquity should live and breathe in his dominions; and, "chick," said he, that is, "run away," or he would make him an example. This was a comfortable deliverance to the merchant, who knew

how apt the Turks are to take small occasion to squeeze out great sums of money from strangers that come in their way.

The nature and virtues of the Turkish law.

Having said thus much of our merchant's dealings in the law, it may not be amiss to add what I have heard him say concerning the law itself. First, it is remarkable, that the religion of the people, and the law and justice of the country, are one and the same, and lean wholly upon their Alcoran: for, in all emergent causes of civil right, what the doctors of the law have declared, or the immediate judge shall say is the sense of the Alcoran touching that matter, is the law final and incontrovertible: and the mufti, who is head of the religion, is also head of the law; for which cause the people often apply to him, to know the law in certain points they propose to him, which he declares in a short writing given out, which they call a *fetfa*. As, for instance, "If one man may be punished for another's fault?" And his *fetfa* will be, "That he shall not." And in like manner, upon such general questions as suitors at law think may be of use to them in their causes; and, accordingly, they exhibit them before the judge, who hath a due regard to them. The virtue of this institution is, that the law of the country, whatever it is taken to be, is unalterable by any human power. There are no new edicts, or statutes for changing the law in any respect,

either to be made or repealed; but every person, even the government itself, and all its ministers, must stand to the law, whatever the quality is, the grand signor's person (perhaps) only excepted. For, in the whole empire, of right there is neither prerogative nor privilege; the least person may take the greatest basha below the girdle (for above is an assault) and say, "Come to the noble law;" and if he refuseth, he is in great danger of being ill used by the people, who have an extreme veneration for the law, and will compel every man, that is required, to go before a judge.

The Turkish law in some sort as the common law.

This law of theirs, by subtile commentations, and wild inferences expressed out of the Alcoran, is a very intricate and voluminous learning; and they have colleges where students are taught and trained up in it, as we have for divinity and law; and, when those students are grown up to be professors, they are sent about to be cadis in cities all over the empire: but, paying for their places, by necessary consequence are more or less rapacious, and extorting of money. As to the skill itself, it seems to have a great analogy with our common law; for that, the learned say, is custom immemorial. But how is that to be known? It is answered, by the declarations of the judges. How then in a case perfectly new? It is answered, by argument from natural equity, parity of reason with respect to cases nearly parallel, and opinions scat-

tered in the law-books; and, after all, the judges do but declare what they take to be custom immemorial. The Alcoran hath few or no express cases, or rules, such as, being plain and direct, deserve to be termed laws; but a world of jargon, and rhapsody of words, which may be wrested to every one's fancy; and that sense, which the learned in former times have taken, is the sense of the Alcoran, and, consequently, the law. To bring this to a system applicable to the promiscuous dealings of men, the doctors have tormented the poor text, and their successors have tormented their works, by interpretations, and comments. And, when new cases happen, which neither text nor comment comes up to, yet the judge determines according to the law of Mahomet; and that is the sense of the Alcoran, as with us it is ancient custom, though nothing of either is to be found respectively to square with it. But the numerous and perpetual controversies, and lawsuits, wherein the sentences of the judges have been commonly observed, and known, have established a body of law, by which men are instructed to deal securely one with another; and, as I said, it is become, not unlike ours, a sort of common law.

No process in Turkey, but summons by the party.

Another sovereign virtue of the Turkish law is, that every man is his own bailiff and summoner, without the plague of process, returns,

alias, pluries, and I know not what hooks and crooks, that often beggar a suitor, before he can bring his adversary to answer him. But a man, as was said, requiring the adversary to go before the judge, he must, without shift or delay, go; and, if he offers to escape, a thing scarce known there, he must run quite away; for the very people will almost destroy him, if they catch him. Here is no suing out a writ, going to the sheriff, from him to the bailiff, with a farther train of ill consequences I am ashamed to remember. And it is a prodigious wonder that, in a civilized country, pretending to liberty and laws, men should so little consider, that all the court process of law had its original in conquest, and the consequent tyranny of the conqueror, who made himself the vender of common justice; and the trade is still kept a-foot by corrupt interests; and after all, that they should idolize this dreg of slavery, and blindly support a direct oppression of themselves, as if it were really a happy economy of justice and liberty.

Answers in person, and no dilatories, attornies, nor counsel.

Another virtue, and a singular one, is that no man answers by attorney, but in proper person only. The course is, when the parties come before the judge, the plaintiff makes his demand, for money lent, the price of goods sold, or the like. The judge sits all the while with his paper upon his hand, and writes his minutes. "What

say you to it?" says he to the other; and then he makes his defence. If there be a writing showed, the defendant fails not to own it; there are no *non est factums*, for pure delay, to be tried. It is there infamous in the greatest degree, for a man to deny his writing, when showed to him before a judge, or indeed any matter of fact that is true, after it appears to have been so to his knowledge. What a vast retrenchment of delay and charge is this? Men, answering in person, can scarce be brought to speak false; they must be strangely abandoned to all shame, that, in the face of a court, without stammering or blushing, will do so. Whereas, when they sit at home, and leave their attornies and counsel to plead for them, there shall be false pleas, for delay professedly, and no concern at all to their countenances.

No contrary witness to the same fact.

The Turkish law seems to have another virtue, which lies in the method of proof. After the judge hath heard the demand, and the answer; he considers on which side the proof lies. If the dealing be denied, as by the defendant's saying, he bought no goods of the plaintiff, or the like, the judge bids the demander prove it. And if witnesses are not ready, he gives a few days to bring them, because he might expect the other party would have owned the dealing; but if he said, "It is true, I bought the goods, but I paid him for them;" then the judge bids the defendant

prove. But he will never let witness come to swear on both sides to one and the same fact, for that is to make sure of a perjury; so, in a Turkish court, witnesses never confront, and, upon oath, contradict one another. But being once taken as witnesses, the cause is at an end, the demand is made and proved, what would you have more? But yet, if the witnesses are not credible, that exception is allowed, and witnesses heard to prove it, and the judge determines thereupon, whether he shall believe the witnesses, or not, and accordingly judges of the main.

No contrariety of judgments and decrees.

Another admirable virtue of the Turkish law is, that decrees or decisions never fight one with another, and yet the party hath the benefit of an appeal. They call their decree an *odgett*, which is a small scrip, or ticket, which the judge writes upon his hand, and gives out to the party that hath obtained sentence. After this *odgett* made and signed, and given out, no judicature, or authority in the empire, can question, or discharge the matter, or the effect of it; not the great Divan, although the *odgett* were made by the meanest judge in the empire. This seems to resemble the laws of the Medes and Persians, when a decree might not be revoked. It is certain that, in Turkey, there cannot be more than one *odgett*, or decree, in one and the same cause. A Turkish judge would laugh if he were told of our judg-

ments, writs of error, and error upon error, appeals, reviews, &c. with full and entire sentence of the cause pronounced in all, and the latter giving the former ill language, and looking as if a judgment in a cause were but a foundation, whereupon to commence a new suit, to the incomprehensible delay, and expense, wherewith the parties, their heirs and assigns, are tormented. But it will be said, how then can the parties have an appeal? As to that, if either side thinks the judge unskilful, or partial, at any time before *odgett* made, he may appeal to a superior judge; and then the cause is as if it had not been heard, but the parties go before the judge by appeal, as if the cause originally came before him, and then he makes the *odgett;* but whoever makes it, the *odgett* is irreversible.

All equities are judged in the cause.

A farther virtue of the Turkish law is this: all equity is comprehended in it. Men, there, are bound by their contracts, as well as here; but, if a contract prove very unequal, the judge takes notice of the reasonableness, and gives relief. As, if a man takes a house to build at half the true value; when the work is done, he may sue in a *quantum meruit* for the whole, and it is enough to say, "I thought I might have done it for the price, but was mistaken." This goes farther than our courts of equity; for they do not relieve against any hard bargains, without fraud or circumvention

proved. It hath been said, they do not sit there to relieve fools; but, if we consider well, it will be found that all persons, circumvented by fraud, are so far within that denomination. But granting full relief may be had, what doth it cost to come at it? In this respect the Turkish law is simple; for it not only disallows all over-reaching bargains, but the judgment of them falls proper in one and the same suit, which party soever promotes it. And even here, very good patriots have declared it fit, that the court, having jurisdiction of the cause in point of law, should also judge of the equity emergent thereupon; but the present constitution doth not allow it. The civilians reproach the common law, saying it wants equity, and needs a particular judicature to supply it. But I think theirs worse; for they have no mitigations, and all is *summum jus*. And then they contradict themselves, saying *Apices juris non sunt jura*, and more grossly leap over their law, judging, as they say, *ex authoritate*, against law, which, in their language, is *nobile officium judicis*. But the Turkish law seems, in these respects, to be most consistent, and complete.

Exquisite dispatch.

One thing more I will venture to allege in favour of the Turkish law, which is of admirable use, and that is their dispatch. A cause seldom lasts a week; and very often is opened and determined in a day; and there is scarce any

means to prolong it, but demanding time to produce testimony to facts, about which the parties happen to differ, and their alleging and answering for themselves orally before the judge keeps down differences of facts. For the pride, or shame of the parties, as well as integrity, will make them save proving, and, for the most part, own what they know to be true; and so bring the matter in judgment upon the right point. I have heard much of aiding public credit or trust among men; but believe it is not to be had without contriving some methods of law and justice that may entirely satisfy them.

Objection, of right miscarrying by haste, answered.

It may be objected here, that this proceeding is precipitous, and (corruption apart) for want of advice and deliberation of the parties, as well as on the part of the judge, wrong may be done; and justice is a sacred thing, and ought to have the greatest regard. It is granted, that justice is a rare thing, if it may be had; but if it is to be gained by sailing through a sea of delays, repetitions, and charges, really it may be as good a bargain to stay at home a loser. A wrong determination, expedite, is better than a right one, after ten years vexation, charge, and delay. A good cause, immediately lost, is, in some respects, gained; for the party hath his time and tranquillity of mind reserved to himself, to use as he pleaseth; which is a rare thing in the opinion of those who have

felt the want of both, and of their money to boot. The reason why justice is so sacred, is not because the cause of suit, or thing claimed, in itself, is of any great regard, (for that argument will bring all things to a levelling, as why should one man have too much, and another want?) but because it preserves peace and quietness among men, which is the greatest of all temporal good things. And consequently wrong judgments soon, and final, have the virtue of justice, because peace and quietness are thereby preserved. But delays have an effect directly to the contrary; for those maintain feuds, and hatred, as well as loss of time and money; so that, if it be said that, in the end, justice is secured thereby (which I do not grant) I answer it is done by unjust means, and comes to the same. "But is it not a sad thing," say some, "for a man to be hurried out of his right?" I answer, "Is it not a sad thing a man should have a fever?" As the body, so the estate, must be obnoxious to infirmities; there is no perfection in either state; and that is always best which is shortest, and hath the least anguish or pain.

The rigour of the criminal justice keeps down offences.

I shall allege but one instance farther, where I think the Turkish law is remarkably distinguished, and is on the criminal side. If a man comes to the judge, and with clamour, as the way is, complains that he is robbed of his goods; the cadi will ask him, "By whom? and where is the

thief?" and if he says he does not know (perhaps) punish him as a *fourbe*, that pretends to be robbed, to cheat his creditors. "What!" says he, "doth not the grand signor protect his subjects? If you are robbed, find the thief, and right shall be done; if you want help, take an officer, but do not accuse the grand signor's righteous government." Now, to add here a word or two of their criminal justice, I shall observe, that it is executed with such rigour, as keeps down offences so effectually, that, in that great city of Constantinople, there are not so many men executed for thievery in some years, as in one, nay, I may say, in one sessions at London. If a thief is caught, they make more account of him by discovering others, than by the example of his punishment. And they handle him at such a rate, that he cannot but discover all he knows. He shall sometimes be secretly chained to an officer, and so go about the city, and whom he points to, is taken up. The first thing done, is to see that he makes full amends to the person robbed; and when that person declares he is satisfied, he is sent away with a menace, that he concern not himself for favour to that man. And after all, what hath this poor thief to reward him for all his ingenuity, and service to the public by discovering? Nothing but to die without torment; for if the judge be dissatisfied of his behaviour, he makes such a public tor-

ture of him, as must terrify all rogues from the like practices; otherwise he is committed to an officer to be simply hanged, and then that officer takes him into the street, and chooseth what man's sign, or post, he pleases, and constrains whom he thinks fit, to perform the ceremony; and a Frank, if he comes by unluckily at that time, is not safe from being preferred to the employment.

Apology for these remarks.

I have related these instances of legal proceeding in Turkey, which we had from our merchant in a long series of conversation after his return home, because I know that no person from England ever brought home more knowledge of Turkey than he did, and more especially in the nature of their laws, which he had used and practised as a native amongst them; and also, because I think them very considerable in the science of legislature, as well as for conference with our European methods. And farther, because there is a common opinion, that Turkey hath no law nor property, but the will of the powers there, is the law to the people; "and how intolerable is it," say they, "that one single judge, sitting upon his legs, determines every man's right; and how obnoxious is that constitution to be corrupted; whereupon there is ground to say the very justice of the country is slavery." Yet in answer to this, two things may be alleged. First, that it is impossible politically to contrive, that he who hath

power to judge right, should not have also power to judge wrong, and, by one means or other, be bribed or corrupted so to do. Secondly, it is a question, whether, in experience, the ordinary checks by the European laws, set up to control this arbitrary power of judging, by numerous forms, dilatories, processes, offices, allegations, and probations without end, to say nothing of errors, and appeals touched before, are found to have much mended the matter? I shall not stay to enlarge in answer to this question, because I would offend none, nor give too much occasion to be thought either petulant in depreciating the laws of our own country, or treacherous in seeming to undermine what many (however mistakenly) think the security of their liberty and properties.

Estates after death well secured. Corruptions every where.

The great oppressions in Turkey are of the Greek subjects, who, by the governors, are used ill enough; which may have occasioned an opinion, that such proceeding is universal. Whereas, when a man dies, the justice takes an account, and sees the assets collected and divided as steadily, according to their rules of law, as here under the act for distribution of intestates' estates, unless the deceased hath belonged to the court, or been an officer under the government; then indeed, as in Holland, and other places, the magistrate seizes all, with the books, &c. upon supposal of the party's having cheated the state; after which it

is very difficult to get matters cleared. But in Turkey, at the worst, they allow some maintenance to the family, and are contented to swallow only the rest. But, in the main, corruption enough no doubt; and where is it not so? If it is found there, that mean men truckle under the tyranny of the greater, and bear oppression rather than offend them; here men truckle for fear of the law itself, and let their just right and property go, rather than launch into a deluge of officers, counsellors, and forms. Evils plenty may be presumed in all places; and according to the proverb, "Might overcomes right" every where. So the question is not of sincerity or corruption, but of more or less of either, and also of the consequences thereupon. And so I conclude this (perhaps too) long string of items concerning the methods of law in Turkey.

Insupportably fatigued by a partner.

It is time now to return to the person and mercantile affairs of our merchant. After Mr. Hedges came for England, and left him, which was as soon as he saw his business advanced, and in a fair way to be wholly set right, Mr. North and Mr. Palmer continued the *ragion* at Constantinople. Mr. Palmer was one that would talk, but do nothing. If he would have been contented to have enjoyed his own jovial company and wine, to which he was addicted in continual excess, and to have taken the profit of his partner's great

labour and pains, without contributing the least share of his own trouble towards it, Mr. North had been wonderfully well satisfied. But he was so far from being contented with that, as to be continually interposing, teasing, and vexing, but never really assisting him. It was his custom always to finish his own business, that is, to get very drunk, before night; and then Mr. North usually returned home, tired with his day labour, weary as he could live; and often, when his affairs had not succeeded well, as he thought it reasonable to have expected, discontented in mind. In that dejected state, he either freely, or as he was asked by his partner, gave accounts how matters went, and what he had done that day; and instead of a little comfort for his pains, as a cheerful countenance, and (since things would be no better) an approbation, the other had no brains to understand what was done, and his drink made him rude; so that well, or ill, he was sure to blame every thing: one was too much, and another too little, one too soon, and another too late, and ever somewhat should have been done that was not done, over or under done; and, in short, nothing right; which was enough to break the spirit of a true pains-taker. And every man that labours sincerely in a common cause, and finds blame instead of acceptance, must be sensible what a vexatious thing it is,

"*Ben servire et non gradire, cosa che fa morire,*" that is, "To do good service, and never be thanked for it, is enough to break one's heart." And all this extremity, not at times, but continually. I have heard our merchant say, that, coming home weary, he hath often sat down at the door, and durst not go in for fear of his partner, whose usage was more fastidious to him than all the toil of the whole day. It may be said a remedy was at hand, that is, parting; a remedy, it is true, but not so easy as seems; however it proved to be the true physic at last. Thus stood the case:—

Broke with his partner.

These partners lived in a great house, and what with servants, escrivains, and other attendances (as their business required) at a great expense, all which went into the *ragion;* and, if that had declined, as must have been the consequence, if the house had lost its credit, all must break up, and be gone. The business from England was more from Mr. Palmer's interest and from his friends, than from any friends, or principals, Mr. North could value himself upon. Therefore, if Mr. Palmer was excluded, the greatest part of the employment of the house fell off. This was a wolf by the ears, which the merchant scarce knew how to hold, or to let go. At length, after a world of reflection and consideration, and having weighed all circumstances, he resolved to break, hoping that, in a solitary capacity, he might enjoy in peace that little he had acquired.

Accounted to England for the breach, and retired.

When this purpose of his was fully matured, so as not to be diverted by any incident, he told his partner of it, and that they must necessarily divide. And, about the same time, he made his dispatches to all the principals in England, and correspondents of the factory in other nations; and, where it was decent, he gave a clear account of the reasons of this separation, which I guess were satisfactory to the chief of them; for, as soon as the rupture was known upon the Exchange, and the merchants fell to deliberating which of these two factors to employ, the determination proved entirely in Mr. North's favour, as I shall show. He, with great precaution and prudence, and all at once, struck off his expensive way of living. He left the great house, and retired to a private and cheap way of maintaining himself. He kept what warehouses he had occasion for, and passed his time in negotiating those affairs he had the entire command of, just as if he had been a puny factor newly sent out from England. And, in that state, he wrought with pleasure, and slept with ease, neither of which could be done in the house with his partner.

His business returning, he returned to his house.

The principals soon found (as I said) which of the two was fittest to be relied on, and, besides a full justification, he applied so ingeniously and respectfully to them, offering his service, and engaging to use the utmost diligence, and applica-

tion, in all concerns wherein they should think fit to employ him; and having already showed himself in all respects competent for their business, much the greater part of them sent out all their commissions to him only, and dropped the other, who soon fell to nothing. When our merchant began to feel the business return to him, he left his private way of living, and took to his great house again, and conducted the factory in a state of as great credit as ever it had. This was one of his bold strokes, whereby he did not seek to palliate an inconvenience, but rescinded it all at once. And this change of his measures may be accounted the first advanced post gained in the course of his fortunes; for now he was superior, and felt himself master of his work, and of himself, that, all his life before, had been under some degree of subjection.

He calls up from Aleppo his brother into his *ragion*.

The merchants do not care to trust single persons in factories abroad, because, upon their deaths happening, there is danger of embezzlements. When there are two or more in partnership, all is safe; and upon adjunct of a new partner or two, the business goes on as before. Therefore our merchant, finding himself head of his house, and greatly intrusted, thought it necessary to give the principals the satisfaction of seeing an able partner settled in the house with him. He had a brother, Mr. Mountagu North, who had been

regularly bred a Turkey merchant, and then resided as a factor in business at Aleppo, which is one of the English factories in Turkey. He thought he could not do better than to take him into the *ragion*, and as he himself was sent for up from Smyrna, so to send for his brother up to him from Aleppo, which would be equally a preferment, and satisfy the principals. Besides, whenever he left the country, of which he had a continual view, his brother would remain in his place a trusty and able factor, planted and instructed by himself, in possession of a factory, to whom he might adjoin other partners as he pleased. And this design he put in execution; and under the same economy, the house, being supplied from time to time with factors from England, hath been, and still continues, in good credit to this day. And, in the mean time, the content our merchant had in the exchange from a sottish, morose, unsatisfied partner, to that of a brother and friend, and having been always peculiarly fond of his relations, is inexpressible. Now, in this happy state of partnership, we must leave him; and observe, as much as may be, his way of dealing which brought him in his great riches, which was not in the common road, and little practised either before or since.

Chosen treasurer, and fell to

Upon the failing of Mr. Palmer, as I take it, Mr. North was chosen treasurer of the Turkey

Company; an office the Turks call Hasnadar. His former dealings, and that business, led him to know, and (beyond personal acquaintance) to have friendships with, divers of the bashas, beys, and Turks in authority. He was sensible of two great defects of accommodation in his way of living: one was, for the ease of his mind, a fire-tight room, where he might secure goods from the danger of fire, which happens often in and about Constantinople. And the other was, a sofa room, wherein he might receive and entertain the Turks, that came to visit him, after their own way. This sort of room will be found described in his History of Avanias. He found, that these conveniences could not be obtained without building them; and accordingly he resolved upon it. In the first place he made the house his own, by purchasing it right out, and, by some contrivance in the law, had it assured to him. He found it very difficult to get lime enough; and, being sold by weight, as all things, even stones, are in Turkey, it proved very dear. The Turks at Constantinople use no sand with their lime, because, as I suppose, they have it not, but from the sea, which is saline, and unfit; but, instead of that, they use beaten brick, which, they account, makes the better cement. He found a very clever way of coming to these provisions; for, being well acquainted with Bobahassan, a bey of a gal-

building his conveniences.

ley, he procured of him a string of slaves out of his chiurm, with a capo, to work in his building.

Served by a chiurm of galley slaves.

The bey was very willing to do this piece of service to the merchant, with whom he had dependences in trade, and loans to a great value; and it both gratified the slaves, and saved their meat. The merchant gave to each of them an asper (little less than a penny) a day, and a quart of sour wine; and, for food, a caldron of pottage, which might be called a Spanish olio, made of all sorts of offal from the kitchen, as of beef, bacon, fat, bread, herbs, roots, and what not, in scraps and scrapings boiled soundly together; this they ate with the greatest content imaginable, and of all things begged to be sent to this service. Their work was to dig up all the yards, and search for stone, and they raised upon the spot what nearly served the turn; for the soil was all no other than ruin upon ruin of buildings, which former wars upon wars had made. Not only the stones of walls and houses came up, but grave-stones, pieces of coffins, and sepulchres rose, and all filled their places in the building. Another employ they had, was to go about the city and gather brick-bats to beat into powder for mortar; and he used to wonder where the poor fellows found such quantities as they brought in. They were very desirous to please the merchant, and did immediately whatever he required, saying only, *Si, padron,* or, Yes,

master. The diligent working of these fellows, as they did from morning to night, made the work be carried on at much less charge, than usually buildings in that city required; and, in a reasonable time, it was brought to perfection.

The oggera and sofa built; he then sold, and rented the house.

The Oggera was vaulted over, thick and solid; it had iron grates, and shutter to the window, and an iron door; these, being earthed up, were a security to all, that was laid in, from fire. Above was a large counting-house, in which the cash was kept, and all the writing and dispatches performed. And the sofa-room was to the merchant's content; and there was a singular use of it in giving content to great men that came there. In short, the merchants lived in this new establishment with entire satisfaction. But Mr. Dudley North was not without some qualms that came over his conscience, lest, by these works, and this way of living, the Turks should scent out that he was the owner of a house; and he did not know what quirks in the law might be thereupon found out to give him trouble, or perhaps to stop his voyage, when he was about to come for England; and under these fears and jealousies he could not be at ease, and, at length, he resolved to sell it, and live in it as a tenant, and pay a rent to his purchaser. He went to a rich Turk, whose person he knew well, and also that he was an honest man, and made his proposal to him: he imme-

diately closed, and, going into his closet, brought forth his price in Venetian chequeens, which the merchant carried home in his bosom, without leaving scrip or scroll of acquittance, or otherwise, concerning it. Such trust may men gain in the world by a steady, honest behaviour. The transfer was made at leisure, and so that affair of the house was begun, carried on, and ended. If buying and selling estates in England were transacted as easily, there would be more trading for land than we have been acquainted with. The merchants, in this house of factorage, lived in good order and plenty; and, having room enough, admitted persons to live and board with them; especially the latter, because cooks' shops and ordinaries are not there as in London. And also they harboured, for some time, persons recommended from England, and other places of their cognizance, or transient travellers; for there the gallant *huom* is much professed: the person, to whom the Italian letter is addressed, being a most accomplished secretary and boon companion, was a boarder in the house. It was hard to keep a table, as they, who were not masters of any time, or hours, did, tolerably in order; for, as their business called, they must go, and lose no opportunities of profit, or preventing loss, to which engagements, eating, and drinking, were always postponed; and if they had ordered it so, that the

dinner must stay till all came together, no hour in the day would fit them, and their dinners must be spoiled. Their order, therefore, was that, at an hour prefixed (suppose one), the meal was set upon the table, and, if none were at home, it stood till some came; and often they dined one after another as they dropped in, and nothing was taken away but as they ordered. But at night they were all together at home, or at their neighbour's, of course; when the chief inconvenience was the bottle: else, a more pleasant course of life could not well be contrived, than to close a day of fatigue in business with a known ingenious set of companions, and the whole world for the subject of their conversation.

The insolent behaviour of a dervise to a great man.

This merchant's chief friend and acquaintance at court was Usine Aga, or the chief customer. They used to eat and drink together at each other's houses; and once the merchant dined with Usine Aga, and a holy dervise came in, and sat him down by the Turk, as if he had been his fellow. Such familiarities are commonly used by holy pretenders; and, beyond that, they often reprove, and sometimes revile, great men: all which seems to resemble the saucy behaviour of the old Cynic philosophers, whom neither the old Grecians them, nor the modern Turks these, dare to use as they deserve, because the common people have them in great veneration. The dervise was

much disturbed that Usine Aga should suffer a Gower (or unbeliever) to sit and eat meat with him, and reproved him for it, which he minded not; at last the dervise turned him towards the merchant, and "Gower," said he, "are not you happy to sit here, and eat so good meat, the like of which you never tasted in your life before?" (It is common for people of all nations to think no other people eat so well as themselves.) "Hold your tongue, Haggi," said Usine Aga, "I have ate and drunk a great deal better at his house;" meaning good pork, and wine, as those superior Turks will do in private, and be as drunk as any Christian; for, of all professions there are enough, and those sufficiently wicked in their several ways.

The manner of dealing with the Seraglio.

As to our merchant's extraordinary methods of trade, by which he obtained superabundant profit, it is not my fortune to have gathered many particulars; but a little I have for a taste; and that consisted first in dealing with the court, and secondly with the Bashas and officers: the former for jewels, and the other in loans of money and excessive usury, ordinarily twenty or thirty per cent. Of each of these I can give one instance. And first for the method of selling jewels, which I have heard him say he hath done to the value of four or five thousand dollars in a parcel, and in the manner following. When at the seraglio jewels are wanted, as for presents, weddings, and

the like, an officer is sent out among the known traders, giving them to understand that such goods are wanted. He (as others also on the like errand commonly do) carried the jewels to an officer, that, like a botcher in a paltry hut, sat cross-legged with his boxes and utensils all in his reach. He received the jewels, and, writing upon his hand, took a short account of them, and of the merchant's name and residence, and then he laid all by together; the merchant went away without witness, scrip, or scroll for his goods. This done, he never failed to speak with all the chief jewellers in the city, letting them know the marks and price of his jewels, desiring them, if inquired of, not to prize them lower. After this, if the jewels were liked, a messenger came to know the price; if not approved, he had warning to come and take them away. After he named his price, they inquired of the jewellers, and then commonly it was a bargain; and the next news was, to come and take his money. And that he did by porters, taking it up, and all together running away with it as fast as they could; and, in this great trust, there was never known a fraud put upon any man; and the money, (barring accidents in telling) never failed of being right. I wish I could say as much for all Christian courts, treasurers and exchequers.

The manner of loans to great officers.

All those who come into posts of authority and profit, in Turkey, are sure to pay for them;

and, on that account, the seraglio is a sort of market. This makes the bashas who solicit for better preferment, and all the pretenders to places, prodigiously greedy of money; which they cannot have without borrowing, and, if they can but get the money, they care not upon what terms, for the place, to be paid for, will soon reimburse them. The lending these men money is a very easy trade as to the terms, but a very difficult trade as to the security. For, by the Turkish law, all interest, for the forbearance of money, is unlawful; and the debtor need not, whatever he agrees, pay a farthing on that account. Therefore they are forced to go to tricks, and, like our gamesters, take the interest together with the principal, and, if it be questioned, call it *premio*. And the security is very frail, for the personal is worse than nothing; for who would travel as far as Trepizond, to sue a basha? But the work is done by pawns really, but, in appearance, bought right out for a price, which is made good perhaps with rascally goods sold; and all this is authenticated by *odgett* from the judge, who, knowing the mystery, yet, partly, by reason of the natural equity in taking interest, and partly for favour to the Frank merchants, who are his best clients, readily lets such *odgetts* pass. But, after all, there is a world of cunning and caution belongs to this kind of dealing, and the wisest may suffer

greatly by it; but our merchant had the good luck to come off scot-free, and made his advantages accordingly.

I have mentioned one Bobahassan; he, being a bey of a galley, which requires a very great cash, and withal a luxurious fellow, was in perpetual want of money. And our merchant, and he, valued each other for their several ends: the merchant for getting immense profit by dealing; and the other for a sure card, to get money at a pinch, which otherwise he knew not how to compass. And, out of these bizarr notions and ingredients, a wonderful familiarity and seeming friendship grew up, and was conserved, between these animals of a very different species. The bey was a merry fellow, and, like other voluptuous Turks, had his buffoons to divert him, and he often played the buffoon himself; as for instance, talking with his merchant, he hath several times said, "You and I are very good friends, but our purses quarrel; and then (acting with his hands) your purse gives my purse a job, then my purse gives your purse a knock, and so they fight; but all the while we are very good friends." Once, when they were merry together in the galley, a man brought two slaves to sell; he agreed the price, and, calling his steward, ordered him to take them into his yard, and pay for them. The steward grumbled that they had too many, and

Conversation with a bey of a galley, one Bobahassan.

could scarce feed those they had, and what should they do with more, since the oars did not want them? "*Cane senza fede*," that is, "You infidel dog," said the bey, "can we have too many? Must not there be some for me, and some for the plague?" Then he turned, and "Merchant," said he, "when is the shepherd rich? Come answer me quick, when is the shepherd rich?" "I think," said the merchant, "when he hath most sheep.' "See there," said he to his man, "*Cane senza fede*, what the merchant says, and about your business."

An adventure of bad cloth, sold to Bobahassan.

It will be readily believed, that the merchant did not endure the company of this fastidious monster for nothing; he used him as well for getting off his rotten cloth and trumpery goods, which were not otherwise vendible, as for plain lending. For he could be demure and say, he had no money; the ships were gone off, by which he had made his returns; but he had some goods left, and if he would please to take them for part, with some money he could raise, he might serve him with the sum he desired, and so forth. Once he was walking in the street at Constantinople, and saw a fellow bearing a piece of very rotten worthless cloth, that he had put off to the bey, and knew it again; and he could not hold, but asked the fellow where he had that cloth. With that the man throws down the cloth, and, sitting

him down at a door, fell to swearing and cursing that dog Bobahassan, that made him take it for a debt; but he more furiously cursed that dog that sold it to him, wishing him, his father, mother, and all his kindred burned alive, and the like. The merchant thought it best to sneak away; for if he had been found out to have been once the cloth's owner, he had certainly been beaten. So great men cheat one another, but it is the poor that bears all at the last.

Before I proceed to relate any other considerable actions and undertakings of our merchant, I shall take notice of some personal incidents and characters; and then, as things proffer to my memory, step forwards. He made once a formal visit to a great man, and was entertained upon the sofa. It is the mode there, that, when the master is visited, a number of slaves stand below the sofa, at the end of the room, like so many images, as mute as fishes. The merchant, thinking to be complaisant, and to conform with the mode of the Turks, sat upon his legs, as the Turk he visited did. It was uneasy, or rather very painful to him at first, but, after a while, he felt no uneasiness at all; and no wonder, for the leg, his weight lay upon, was numbed, so as to have no feeling at all. When he offered to rise, and got up a little, he fell down, as if one of his legs had been cut off. The master made his sign, and

Almost lamed with sitting cross-legged.

the attendance came all forward, and, laying him down upon the sofa, rubbed and chafed his leg for near an hour, until he said he felt it pain him; and then they conducted him to his way homewards, which he did not attain but slowly, and with great pain, and then he took his bed, and lay for divers weeks before he was at any ease in stirring about. It seems the slaves were well instructed in this process; for the like occasion happens frequently in great men's houses, when men of other nations will be too forward with their complaisances.

Cured himself of two wens on his knees.

The merchant had a very strange, and dreadful infirmity growing fast upon him, which was a wen upon each knee. He never could know how these came at first; but the rising of them strangely surprised him, and, after a little time, they were no less strangely, and not by skill, or intention, but by mere accident, cured. They were twins, and grown so big that he could not walk with any strength, and least of all down hill or stairs. It was deliberated whether he should not submit to have them taken off; which if he had done, he had probably lost his legs, if not his life. He could not but anticipate in his mind the great mischief these excrescences might bring upon him; which was such a continual trouble to him, that he could scarce ever keep his hands from them. But once, while he was handling one of

them, he observed a little matter issue at a point, somewhat like a curd, and, as he squeezed, still more came out, and, as he still urged, that also started. Upon examination and trial, he found the same upon the other knee, and then he seldom forbore this squeezing as long as any curd would issue, and at length, by this and no other means, he reduced the wens to nothing; and so made an unexpected, but perfect cure upon himself. This is matter of fact, and well worthy to be known, for the sake of those unfortunate persons that may have such fungous excrescences rising up, and growing under the skin. But our merchant, notwithstanding his cure, was never, in all his life after, strong in those joints.

Other cures in the way of diet.

Another infirmity fell upon him, as he accounted it to be, which he cured with no less resolution than the former; which was a too constant drinking the hot Greek wine in evenings. It is well known that the merchants abroad are too much given to the bottle; and many come home as very sots, as if they had never gone abroad. In the mercantile society at Constantinople, the jolly cup commonly closed the evening; and Mr. North, being always *debonnair* and complaisant, kept them company, and did as they did; until, at length, he found that, if he went to bed without a bottle or two in his belly, he could not sleep, and that strong wine was his laudanum, as if he had

been troubled with the hysterics. "Is it so?" said he to himself: "that experiment[o] shall be tried: must I be a sot, because I do not sleep?" And thereupon he resolved to drink no wine at night, and held it. At first he found, as before, that he could not sleep; but, after a night or two, he fell to sleep just as he used to do when he drank wine. This was one of his short turns, such as I have observed of him, and shall further observe him using, when any thing troubled him which was not insuperable.

But this too sudden turn brought another inconvenience upon him; for, not long after, he began to be almost continually indisposed; and his nights were uneasy; and, thinking it best, forbore suppers, and was a little better upon it; and then persevering, he grew worse and worse, in a manner as the doctors call a cachexy, or bad habit, which is ordinarily cured by diet and regimen. He once complained to one of their quacks, whom they called doctor; and he told him that his regimen had been utterly wrong, and so long as he lived so abstemiously, he never would be at ease and well; and therefore wished him to indulge at the common hours, but without any excess, and at night always eat somewhat, and particularly what was savory, as cavear, or anchovies, sufficient to relish a glass of wine or two before he went to bed. He went into this course,

and, finding a manifest change for the better by it, he never left it off as long as he lived. It seems that, after he found his heart's ease at Constantinople, he began to grow fat, which increased upon him, till, being somewhat tall, and well whiskered, he made a jolly appearance, such as the Turks approve most of all in a man.

He had a show-audience before the Grand Signor.

This gives me a handle to relate a passage concerning himself, which he told me in familiarity and confidence, saying he had let no mortal else (his best brother only excepted) have any knowledge of it, lest they should think he lied out of vanity. The great officers about the grand signor, with whom he had transacted, and (with such respects as became him) familiarly conversed, told his majesty that there was now, in the city of Constantinople, an extraordinary *gower*, as well for person as abilities, to transact the greatest affairs; and so, in the ordinary conversation with the grand signor, he was often named for somewhat considerable, besides his acting as *hasnadar* of the English nation under their ambassador. The grand signor declared he would see this extraordinary gower; and accordingly the merchant was told of it; and, at the time appointed, an officer conducted him into the seraglio, and carried him about till he came to a little garden, and there two other men took him by the two arms, and led him to a place where he saw the grand

signor sitting against a large window open, in a chamber not very high from the ground; the men, that were his conductors, holding each an arm, put their hands upon his neck, and bowed him down till his forehead touched the ground; and this was done more than once, and is the very same forced obeisance of ambassadors at their audiences. After this, he stood bolt upright as long as the grand signor thought fit to look at him; and then, upon a sign given, he was taken away and set free again by himself, to reflect on this his romantic audience.

His address and security against knaves.

—As to his public capacities, the treasurership gave him opportunity to show his address, and enlarge his acquaintance. He held a fair correspondence with the ambassadors of other nations and their dependents, and was well accepted by them. He was good company, facetious, fluent, and knew how to behave himself to all. He observed decorums, regarded his superiors, familiarized with his equals, and gave no offence to his inferiors. He had acquired an exquisite skill in human nature, and knew how to deal with all the various species of politicians and trickers, and was never, in any considerable pass, over-reached by any of them. And if, in a small matter, at any time, he found himself deluded, his cheater had better have been further off, for he made it known with a witness. Once a Jew had taken advantage of a little too

much credulity, and turned a trick upon him. When he found it, he began to rage most desperately; and a brother Jew, to pacify him, came and told him, that man was a pitiful wretch; and, if it should be known, that so great a man was cheated by such a fellow, it would much concern his honour, and reflect upon his wisdom. But this did not stop the fury of our merchant; but he so much the louder cried out, "I was a fool, and I was cheated; and he is a villain, and a dog;" and the like. He was resolved the fellow's knavery should be known, and that the flattering insinuation of his brother Jew should not cover him from open disgrace.

Bias to truth inexpugnable, and by that preserved.

He had an uncommon disposition to truth, and could think nothing firm, and to be relied on, that was grounded on any falsity; and, in a sort of passion, when difficulties surrounded him, his way was to go to the truth of things, and, fall back fall edge, there he stuck. His experience had instructed him, that such a course, however seeming blunt and indiscreet, commonly succeeded more fortunately than the subtilest of lies. He was very seldom guilty of offence to any, except in the way of tell-truth, which he could scarce ever forbear. Once one of their underlings had done a very foolish thing, not without suspicion of knavery; and being found out, and laughed at by him, the man begged hard of him not to tell it

in the factory, and he promised he would not, if he could help it; and then opened it at large to the first company he met, and excused himself to his man, that he could not help it. I do not know that his nature was so averse to any thing, as to a false tricking knave, and such, coming in his way, provoked him almost to madness. But this aversion to falseness in others made a good return in security to himself; for it kept him in a firm resolution, whatever became of him, to have truth and right on his own side; for afterwards, in England, when divers of an exasperated faction would have persecuted him to death, his good friends, Truth and Plain-dealing, preserved him; as I shall show, after I have him safe home.

Of *Avanias*, his relation of them, and apology.

During our merchant's residence at Constantinople, and while Sir John Finch (and, as must be understood, Sir Thomas Bains) was ambassador, the grand vizier raised, or urged upon the nation, divers false and extortious demands, which they call *Avanias*; which cost the nation very great sums of money; and those often fell hard upon him, as treasurer, to provide. In the company's affairs he always answered to the utmost penny of their effects in his hands, but he would not ingulf his own particular estate in the public concern, and then depend upon any one's good-nature to reimburse him; of which evil he was in some danger, as will appear afterwards. I shall say

nothing of the particular avanias, because he hath penned an exact and judicious account of them; and therein you will find him very modest, in having related little or nothing in his own favour, or to extol his own conduct, though much was performed by him; nor hath he arrogated any happy events to himself, though he was the chief means to procure them. But he doth not spare to censure things as he thought they deserved, whether any reflection may thereby fall either upon himself or his countrymen, or not. When, in affairs of the public, men have once acted their parts, their concern therein is, as it were, at an end; and what they have done is, as it were, divided from them, and from thenceforth belongs to the public, and may be treated with absolute freedom and veracity. It is a great mistake for any man to expect, that, in historical relations, he should be made a hero, and, like them in romances, be always not only blameless, but sovereign. No man is without defects and failings, and can claim perfection in nothing but a good will; and any relation, that represents persons otherwise, is false. Therefore, being conscious of errors enough in our ownselves, and believing no less of our neighbours, why should any matters of fact be denied a place in public memorials, for any partial respects, contrary to the law of all good history? This I say by way of apology for what

may seem to reflect on the ambassador, or any of the nation, in the accounts our merchant hath penned and left behind him; and there is observable in them a sort of modesty, as well as respect, showed to the concerned, which of itself would excuse the relations that, consistent with truth, would not have carried more.

Resists the ambassador, as to levying money.

But, as to the first matter of our merchant's modesty, in not commending himself in any thing, or setting out matters that might seem so to do, I will subjoin a Relation I had from himself. Upon the making up of the great avania, I think it was that for recovery of the capitulations, a vast sum was to be raised, as his Relation shows; and, if the treasury wants, and money cannot be borrowed, and repaid as it comes in, the way of raising it is by taxing the nation, that is, all the trade and goods of the English at Constantinople, and the other factories in Turkey. And this is to be done by the ambassador, who, with the merchants his counsel about him, and none else, hath authority to order such things. Upon this occasion Sir John Finch, and the chevalier, as they called Sir Thomas Bains, were loth to charge so great a tax, as this must be, by his own authority; but, calling the treasurer forth, declared positively, that he must take the whole upon him, and do it as well as he could; which he, having no money of the company's in his hands, as positively refused to

do. At which the ambassador and his friend were in a furious emportment, and, in language, carried it very high against the treasurer; but he stood to his point, and was not moved one hair from his refusal. And, after the bluster was over, the ambassador, to put his sentence in execution, commanded his cancellier to take a place there, and then he and the knight fell to penning a protest against the treasurer, to be entered *in cancellaria*, of abundance of articles, importing many thousands of pounds, by way of damages, to be made good by him to the nation, for his default. The treasurer, in great admiration, all this while stood stock still, not interposing a word. At last, he was required to make his answer to this long protest. He desired a pen and ink, and a piece of paper, and going aside, in a little time returned, and gave it into the cancellier's hands, as his answer to the protest, and desired it might be entered accordingly. It was very short, and in effect but this, viz. "that he was treasurer to the Levant Company, and ready with his person to receive and issue such monies as his lordship the ambassador should order to be raised, and paid for the service of the nation;" and underwrote his name. When the ambassador and his friend had perused and considered this answer, they cooled; and Sir Thomas said, it was best to lay both aside: and thereupon they proceeded in form to the making

an act for raising the money; and so the business was done.

The tracts about the Turkish affairs, and of a companion a secretary.

The tracts penned by our merchant at Constantinople, which concern the time before he left the place, are these: 1. The History of Avanias; to which I have added some accounts of the time since he left the place, and those I took from some memorandums of his brother, whom he left behind him. II. The Account of the audience at Adrianople, when Sir John Finch renewed the capitulations with the government there, which was a matter of great consequence to the merchant's trade there. III. A Letter to one ——— an Italian virtuoso, who lived with him in his house, and was a minister of the Duke of Florence, in that city, to spy and advise all occurrences. He was a very good companion, and a dexterous secretary. He had made himself master of all the Turkish forms, and could write to them in their own phrase and style; and, by the character of the man and his employ, I verily believe he was the very person that wrote the genuine Letters of the Turkish Spy, translated into English. The merchant had contracted an intimacy and friendship with him, and knew divers of his methods of corresponding, such as he used to his master, and other courts in Europe, giving an account of incidents concerning Turkey, and what might affect the Christian states. He conversed

with all sorts of men, escrivains, dragomen, &c., was debonair and free in company, whereby to make others so with him. He was literally all things to all men, and never dissented in any way of passing time; walking, riding, eating, drinking, or any thing the company liked, seemed agreeable to him. In making his dispatches, which were by every conveyance, he used first to write to his master the Great Duke; and in that letter he charged all that he could collect to write by that conveyance: and, that done, he had his materials for all his other letters; for what he wrote to every one, was here and there culled out of that, according as their characters required.

Account of the letter wrote to this secretary.

This letter to him is wrote in Italian, in the style of vulgar speaking at that time, which the merchant had acquired to a perfection, and expressed himself as naturally and fluently in it, as if it had been his mother tongue; and it hath been observed, that no Frank ever spoke the vulgar Italian idiom so correct and perfect as he did. I observed a sort of quaintness or spirit in the penning, which made me give it in its own dress: but, for the convenience of such as perhaps may be less acquainted with Italian than I am, I have con-columned a translation of it into English, which, if not so well done as the letter deserves, I hope will appear yet just and true.

A repulse at buying a horse.

It was our merchant's fortune to be treasurer, when the grand equipment for the audience of Sir John Finch at Adrianople was made; and to be charged with the providing all things necessary for the journey, and, to his great fatigue, to attend it in person. And now, leaving all the particulars of those affairs to be found in the merchant's own Relation, which show what a work the whole must be (for the ambassador took no trouble of any thing at all to himself,) I will proceed, and relate one passage the merchant told us happened to him about buying a horse for the ambassador to ride on. Upon the death of a basha, or some great man, his goods were sold by outcry; and, among other things, a famous horse was to be sold. The merchant went in order to buy it, if he might do so. When he appeared, and asked the price, the manager of the sale, who was a man of considerable authority, raised himself up, and, "Is there," said he, "never a mussulman (or true believer) left in the world, to come and buy this fine horse; but he must fall into the hands of a nasty *gower*, to set his ——— —— upon?* *chick*." The merchant needed not to hear the word twice, but gat him gone; for if he had persisted, the Turks probably, who think a horse too noble a creature for

* [The Turks are in nothing more superstitious than in cleansing their posteriors, which they think the Franks never do, or not enough at least.]—*Note by the Author.*

an infidel to ride upon, at the instigation of that fellow, might have fallen upon and beat him.

The merchant understood the genius of the Turks, and knew how to make his court as well as any man living: I will instance but in one passage I find in Dr. Covel's "Account of the Greek Church," fol. 317. Mr. Dudley North once told Cara Mahmet, that our divines compared such an ungrateful vile man (not owning God's gifts) to a swine that grows fat with acorns, and wallows in them, never minding, or looking up to the tree from whence they fell. The Turk fell into a great rapture in their praise and commendation. Above all creatures, the Turks abominate a swine.

A RELATION OF DIVERS TURKISH AVANIAS,* SINCE THE GOVERNMENT OF CARA MUSTAPHA BASHA, VIZIER AZEM.

"For the better understanding of these affairs, it is absolutely necessary first to say somewhat concerning the nature of the government of the office of Vizier Azem, or chief vizier, and of the several Kaimachams which are his substitutes, and act only in his absence.

"The Turkish government is directly that of an army, being under the same methods in the city in time of peace, as in the field during the

* Unjust demands against the merchants.

war. The Grand Signor is the general; he hath indeed a double capacity, the one as head of the empire, the other as a private person. As head of the empire, he hath a daily pay out of their public treasury; and his common and ordinary charges, both at home and abroad, are borne by the Teftardar, or treasurer for the empire. As he is a private person, he receives presents, fines, and confiscations; and defrays many extraordinary expenses, as buildings for charitable uses, jewels for himself and his women, &c. which treasury is under the care of the Hasna Kiiasi, or treasurer of the grand signor.

"Here is to be noted that, in his private capacity, he is always vastly rich, and heaps up very great treasures; when, many times, the public treasury is exhausted; so that, in wars, he is often fain to lend great sums of money to the public, which they are sure punctually to pay again.

"The next in office under the grand signor, in the government, is the Vizier Azem, or chief minister, who is of that credit in the empire, that the grand signor calls him tutor; and indeed he acts all both in peace and war. The grand signor, minding his pleasures, leaves all to him: and this happens, not more out of luxury, than from the maxims of their policy. But, when the grand signor is an active prince, and will look into business himself, or when he is jealous, and his nature

fickle, apt to hear and believe complaints against his great minister, the vizier signifies much less.

"When the grand signor goes to the war, he carries with him all the officers of the court, even the mufti, judges, and all. The like doth the grand vizier, when the grand signor stays behind. But then he leaves a substitute, which they call Kaimacham, to act like him in his absence. And all the other great officers of the state make their substitutes in like manner; so that the grand signor hath as formal a court as he had before. So also, in case he doth not stay in the imperial city of Constantinople, but removes to any other part of the empire; wherever he goes, he carries with him his whole court; but then, not to leave the great city destitute, a new kaimacham, and other substitutes, are appointed; whereby, notwithstanding the absence both of the grand signor and vizier, the city hath the same formal government as if they were all there; with this difference, that these are underlings, and dare not meddle in great matters: but, in all business of concern, they receive orders from their principals abroad, and act accordingly.

"The government being thus supplied, there is no need (unless upon extraordinary occasion) for the leiger ambassador of any nation to attend the person of the vizier, but they may dispatch their business in Constantinople, the resident of Germany

only excepted, who continually attends the vizier's camp, at some reasonable distance.

" In the minority of this grand signor, the government was so broken, and things so unsettled, that a vizier could scarcely hold his place to the end of a year; whereby things came to a very bad pass, soldiers not to be governed, and the revenue anticipated above five years beforehand; and then, as the properest remedy for these evils, a rigid, cruel-natured fellow was found out, and made vizier, who was the famous old Cuperli; a man so obscure, that he was even known but to few, and had been employed only in some petty bashalic, and, at that time, was poor, and in debt. This man was no sooner in his seat, but he was marked out for sudden ruin by those who had been acquainted with supplanting one the other. But he took a course different from what they expected, and were acquainted with; for he presently cut off the heads of the factious party, and in so little time reduced the state to peace and quiet, and freed the revenue, settling himself so secure, that the grand signor continued him about seven years, till his death, and then, by recommendation, appointed his son to succeed in his stead; who came to the place with great advantage, succeeding his father, that, in his time, had reduced the people, so that none durst appear to move factiously.

"This man, Achmet Basha, was bred up to learning many years, making profession of the law, and had been actually a judge in civil causes, a quality scarce ever known in a vizier before; to which being added a natural justice and good disposition, he was one of the best ministers that people ever knew. In this manner he ruled the empire for about fourteen years, till his death; the grand signor all the while pursuing his pleasures, hunting on the mountains, to which he was much addicted; and so lived free from the terrors and frights he had formerly endured from the factious, upon every change of a vizier. Immediately, upon this vizier's death, Cara Mustapha Basha succeeded, who had been, for many years, the next person to the vizier, and his kaimacham, when he went out to the wars. He was brought up a menial servant, under old Cuperli; and, having gradually passed all the offices of the court, is now the present vizier, having reigned in that place about four years. He hath behaved himself with great rigour and severity, but without blood, contenting himself with money, which, with strange rapacity, he hath raked from all sorts and conditions of people; and he hath found this, not only a sufficient expedient of humbling his enemies, but a great means of protection, which the grand signor, of late years grown very covetous, hath daily exacted in great sums from him.

"Thus much I thought fit to say by way of introduction, before I entered upon the avanias that happened in his time; and that for two reasons; first, that it might appear how long the Franks (as all European nations, that have articles of peace, are called) had lived under the good government of Achmet Basha, viz. fourteen years, and seven years before that, under his father old Cuperli, who, though of a bad disposition, yet, being wholly taken up to redress the wrongs of the depraved government, had not time to mind them; in which twenty-one years, it is likely, they had a little forgot the former rigour of the Turks, and, doubtless, acted many things with a great deal less of circumspection, than is absolutely necessary to them that live under that government. And, in the second place, that it may appear, viziers are now more firm in their seats, than they have been in former times; the grand signor not having made any change these twenty-five years; so that they, who think complaints to the grand signor might be heard against them, may, upon trial, find themselves much deceived. The Raguseans were thrice repulsed by the grand signor, on complaints made against the present viziers, without the least redress; and many others have had the like success."

The First Avania, made on our English Nation, concerning the Audience of the Ambassador.

"WHEN the vizier came first to the city of Constantinople, which was not long after he was made vizier, all the ambassadors made their addresses to receive the first audience of compliment usual to a new vizier; and not long after, a day was appointed to the French ambassador. Here it is to be noted, that the Turks are a people who abound in ceremonies as much as any whatever, though not always, nor at all times, alike. Sometimes an ambassador shall be received by the vizier with a great deal of formality and ceremony, and at other times without any at all. The formalities consist in putting on the divan habit, and by causing two chairs to be brought into the room, one for the vizier, and the other for the ambassador. When it is without any formality, then the vizier appears only in his ordinary habit, and sits on his cushions in his corner, and the ambassador not being able to sit by him in the manner the vizier sits (which no man, not bred to it from a child, is able to do) and for the honour to keep up the custom of their countries, hath a stool set for him, just before the vizier, at some small distance.

"Now, in all rooms of state in Turkey, the upper part is raised with a half-pace, about a

foot higher than the rest of the room. But all the room, both upper and lower floor, is covered with rich carpets, beds, and cushions round the walls, to lean against and sit on. The French ambassador, coming into the room appointed for his audience, found the chair set for him below the half-pace, and the vizier's above; whereupon he spoke to one of his servants, to set his chair likewise upon the half-pace; but before he could set himself therein, it was taken away by a Turk, and set where it was before. Then the ambassador takes it himself, and sets it upon the half-pace, and, being about to sit down, a Turk snatched it away, and had like to have given him a fall. News of this was carried to the vizier, who called for the dragoman, and asked what the ambassador meant; and sent him word, that, if he would not set his chair below the half-pace, as it stood at first, he would not come out to him; whereupon, after some messages backwards and forwards to the same effect, without any condescension on either side, the ambassador rose up, and went away, without any audience at all.

"This was no sooner done, but we had notice of it, and not long after, came a messenger, from the vizier, to our ambassador, to appoint his audience; but his lordship, to gain time, thought fit to receive the messenger on his bed, and excused

himself upon indisposition. The same messenger was afterwards sent to the Venetian ambassador, and Dutch resident, to appoint their audiences, who received them in manner as the vizier ordered. Not many days after, the vizier threatened the French ambassador for the affront, and confined him to his house, and ordered him not to stir without leave; in which they were so strict, as to deny leave, when asked, to visit an ambassador from Poland. His lordship thereupon drew up a memorial, insisting therein, that former viziers had received ambassadors with their chairs on the same place, and that he durst not receive it on other terms. This memorial was given in, but had no answer; and the dragoman, who carried it, was rated and threatened.

"Things continued in this state some time; when arguments on all sides were thought on, and though former viziers had admitted the chair to stand on the same half-pace with theirs, yet it was found, that this vizier, when he was but kaimacham, or deputy, had received this very French ambassador, in the same way he now required; and had practised the same with several others. After some months, the French ambassador finding the vizier's displeasure, and fearing worse consequences, seeks peace on the vizier's terms, and, with great difficulty, procures it, being

forced to give an extraordinary present to the value of three thousand dollars; which sum was hardly made up with selling his house, plate, and rich furniture; and he, being much in debt, was reduced to that extremity, that he had scarce credit to buy victuals into his house, as was generally believed.

" Our ambassador in the mean time stands his ground, and takes no notice at all of any thing, till he was forced to it on this occasion. The great feast, or Bairam, of the Turks, approaching, at which it is customary for all ambassadors to send presents to the vizier, our dragoman went to the vizier's chief officer, to know when they should bring the presents. In answer to which he received ill words and threats: whereat his excellency, being sensible of the danger the whole nation was in (one of the Smyrna merchants being already brought up by a *chiaus* on a lawsuit, without any notice to the ambassador) and not knowing what violence the vizier might come to; and also having now the example of the French ambassador's compliance, means were made to desire the audience on the vizier's own terms. For obtaining which, after much time spent, and all endeavours used, it was at last concluded to pay six thousand dollars ready money; and not long after, the ambassador had his audience accordingly, the vizier behaving himself

very insolently all the while. The French ambassador hath been since recalled, and another sent, who, to the last advices, had not received a public audience on the score of placing the chair, though he had been in Constantinople above a year. But at his first coming, he had a familiar audience, as I have described, he pretending orders from the French king, not to condescend in this point.

Reflections.

"The vizier being a haughty rigid man, there was little reason to expect, he should part with a ceremony upon dispute, while vizier, which he had enjoyed in a lower sphere, being but kaimacham. And though the English ambassador had reason to stand as high upon his honour as the ambassador of the French; yet it might have been foreseen, that, where an ambassador resides on the score of trade only, it would not be thought fit to break upon punctilios; and yielding, on the vizier's part, was not to be expected; therefore it must come to a redemption. Between nations, where there are mutual ambassadors, ceremonies and respects are retaliated, and affronts are paid in the same kind; but the Turks, having no ambassadors, expect no payment but ready money. They will not acknowledge they receive any benefit by our trading with them; and therefore have

no manner of regard to a good correspondence with us; as appears by their refusing our presents, and slighting our complaints on all occasions. Our policy therefore is, to trade as quietly as we can, and intermeddle with them as little as is possible, to the end they may take no occasion to prey upon us; as for certain they will do upon any pretence whatsoever."

The Second Avania, being made upon Mr. John Ashby, Merchant in Smyrna.

"A CERTAIN Venetian, or rather Candiote, called Pizzimani, a person of no reputation or wealth, having bought a considerable quantity of glass-beads, and other Venetian wares, trading from Venice to Smyrna, on which he owed money, pawned the goods to an English merchant there, and took up, at interest on them, three thousand dollars. Not long after, the merchant dies, and his partner, Mr. John Ashby, (who was absent at Adrianople, when the pawn was taken) taking the account of his partner's business and estate, found this pawn; whereupon, time of payment being past, he demands the money of Pizzimani, who, from time to time, baffled him. At length, finding no probability of his compliance, Mr. Ashby (the partner) cites him before the English consul in Smyrna, before whom he gave no satisfaction of performance according to his obligation. There-

fore the consul condemns the goods to be sold by inch of candle, which was done accordingly: Pizzimani all the while behaving himself so, as it could not be proved he either consented to, or opposed, the proceeding. But after all was over, and the goods produced short of his obligation, he takes a copy of the sale out of the English *cancellaria*, and, with them, goes up to Constantinople; where, coming before the vizier, he declares himself a subject of the grand signor, as born in his kingdom of Candia, and complained of a wrong done him by a merchant, Mr. Ashby, in Smyrna, and obtains an officer and command, to bring him up to answer his suit at the grand signor's divan.

"Mr. Ashby, being come to Constantinople, soon saw that the sale of goods by the candle, to which the owner's consent could not be proved, would not stand in the Turkish law; but the goods remaining entire, and being easily procured from them that had bought them, it was thought best to deny the sale wholly, as if no such thing had been; and to take off the vizier, and get a reference to the law, five hundred dollars were given to the grand signor's chief page; whereupon the business was heard twice by the chief judge of Constantinople; first in the presence of the vizier, and, after, at the judge's house. At both which trials, Pizzimani produced the copy of the sale,

out of the English *cancellaria*, under the consul's hand and seal of the office, the which were positively denied, and it was pretended to know nothing of it. Then he brought two Turks, that were present at the sale at Smyrna, to witness the same, which they did; but not being able to answer particularly some questions which the judge asked them, and we all the while stoutly denying the same, and affirming that the goods remained, and should be restored upon payment, the judge believed us before them, and gave his sentence, that they should both return to Smyrna, the one to receive the money, and the other his goods. Soon after this it happened, that the servant of him who had taken the bribe of five hundred dollars, his master not having called for it, and he not knowing what it was for, met the merchant that had given it him, and asked him what he must do with the money; he answered, 'Give it me again,' which he did. A day or two passed, when the vizier's chief page called for the money, and, finding it gone, sent to the merchant for it, who now, thinking all safe, refused to give it again. Whereupon the Turk grew enraged, and threatened him severely, what he afterwards performed to the full; for, in a little time, he so informed his master, the vizier, that all parties were summoned to the grand signor's public divan, and there, without calling any judge to his assistance, after little or

no hearing, he condemns Mr. Ashby to pay Pizzimani four thousand dollars, for which he was clapped up in chains for about twenty days, till he paid the money, and he was made to pay the five hundred dollars taken from the servant, for fear of farther severity.

Reflections.

" The evil, that happened to Mr. Ashby, is not to be wondered at, considering the errors of the proceeding. First, that the English consul, who hath jurisdiction only among persons of his own nation, should do justice for an Englishman against a stranger. Secondly, such justice as the Turks do not allow their own subjects, for they do not condemn pawns after that manner. Thirdly, against such a stranger as might entitle himself to be a subject of the grand signor; and this without plain proof of such a consent as had stood in their law, which, if such consent was, might be had in writing. Fourthly, to substract the present, after they had obtained sentence, and thought themselves past danger. And fifthly, when the proceeding was questioned, to attempt the evading justice by such impudent and false assertions. No jesuitical distinctions can justify such a base defence, which must needs make an ill impression on the vizier against our nation, not easily to be removed. It is not to be wondered that the

vizier should make such quick work, after he understood the truth. Certainly we have no cause to complain of this avania, but to stifle, what we can, the very memory of it."

The Third Avania, made on the English Nation, on account of the New Lion Dollars brought to Aleppo.

"As introduction to an account of this, it is necessary to take notice of the several monies that are most frequent in Turkey.

"The proper money of Turkey, coined by the grand signor, is in silver only, a very small piece called an asper, in value less than a penny; the which, being made with an imperfect ugly stamp, is very much clipped and counterfeited, and, for that reason, in little esteem. But, generally, the monies of Christian countries are current here, and so throughout the empire. At first, Spanish pieces of eight were most in use. But they, being liable to be clipped, and no way certainly to detect it, but weighing them piece by piece, have been many years since disused, and now are looked on rather as merchandize than money. The most esteemed money at present, are the lion dollars, and florins of Holland, &c. Though many other coins also pass, as rix dollars of Germany, quarts of Poland, Hungarian and Venetian chequeens, the scude of France, and five sous pieces. Gene-

rally the Turks desire old money; when new comes, they look upon it as counterfeit, and made on purpose to deceive them. They having been so served lately by the French, and others, by five sous pieces, on which all that I have to say of money, depends: therefore I add an account of the five sous pieces, called temeens, their rise and fall in Turkey.

"At first, a French mariner brought some few of the five sous pieces for an adventure to Smyrna, and finding them to pass among the shopkeepers (who were pleased with the prettiness of the stamp) at eight to the weighty piece of eight, which made a great advantage, he and his companions, next voyage, brought more, which, going also at the same rate, encouraged others; and so, from a mariner's commodity, it came to be taken up by the merchants, who brought in large quantities. And, finding that France afforded not a sufficient supply of that coin to answer the occasion, they set the mint on work on purpose for them. The great gains, made by these monies, permitted them to raise the price of goods in Turkey to the ruin of other nations, whereupon, all people exclaiming against these new monies, they fell in some disrepute; so that they were forced to pass them at ten to the dollar to get them off. And, to make up that loss, they put to them more of alloy; but not being able to effect that in

the royal mint of France, they found out a lady in France, Madame D——, who had a right of coining, and gave in her arms three flowers de luce. And she supplied them with large quantities. And the cheat was not found out by the Turks; for the arms were the same, and the face not much different, and they could not read the inscription. After this example, others soon went to work; the Duke of Florence, State of Genoa, and almost all the petty states in Italy; such as by any means could hook in flowers de luce, were sure to make this use of them. They that had no direct title, made somewhat else to be like them: some made spread eagles so like flowers de luce, that it must be a cunning man that could distinguish them. Quantities, thus flowing in, made the money fall still lower, even to pass at eleven and twelve to the dollar, which they got up again by the baseness of the metal, which was reduced to be almost copper, some not to have three in twelve ounces fine silver.

"All the while this money passed, our nation, who were most aggrieved by it, laboured against it all that they possibly could, and spent money many times, and had them cried down; but all signified little. It was a fine money, and pleased the common people, who would not be beat off it; but at length the humour spent itself, and the brass, in all the worn monies, appearing plainly, it

fell quite out of credit and use. It was generally thought that, whenever this money should fall, it would be the ruin of the French, and all the known importers of it, as to be forced to change great quantities of it. But it proved otherwise; for, happening in the latter end of the good Vizier Achmet Basha, every man was fain to sit down by his own loss, and they, that had any of this money upon their hands, generally carried it to the mint, had it refined, and sold the silver. Then followed the introduction of new lion dollars; an account of which, and the reason, follows.

"The melting down, and refining such vast quantities of five sous pieces, produced such a flood of silver in all parts of Turkey, that the King of Spain's money, good pieces of eight, were worth very little more than the lion dollar of Holland, though the intrinsic difference be about eighteen per cent. Whereupon the merchants cared not to carry Spanish money any longer; but looked out for lion dollars, and florins, which turned much better to account, and this trade lying conveniently for our merchants, they were as deeply concerned in it as any else. So that all the old money was soon drained out of those countries, and they were forced to go to minting for making new; which they coined at all the several mints in Holland, and other provinces, in what quantities they pleased. But new monies being

now looked upon in Turkey with great jealousy, on account of the temeens, or five sous pieces, by which they had been so lately, and so considerably, sufferers; and the Levant Company at home fearing that some of the merchants might, together with new money, import some of inferior alloy, which might cause great scandal to the whole nation in Turkey, and possibly a great avania; thought fit to make an order, that all monies, arriving in Turkey, should be searched by the ambassador, and consuls, assisted by the company's treasurer; and that, if any were found not of perfect alloy, it should not be permitted to land. And this was recommended to be done in the presence of the customers and Turkish officers, that their sincerity might be made apparent. The former part of this order was good, and of excellent use, but the latter, of interesting the Turks therein, ruined all; as will appear in the sequel, wherein I shall set out the manner or occasion that gave the first ground for the avania on new monies.

"Soon after the receipt of the foregoing order of the Levant Company in Turkey, about examining of money; there arrived some thousands of new dollars at Constantinople; the which, being in the time of a very jealous and fearful customer, we no sooner spoke to him of examining the money, but, knowing it to be no part of his place or business, he wholly declined venturing

upon it; justly fearing, that, false monies after appearing, it might be charged on his connivance at the importation; whereupon he declared he would not be concerned therein. The ambassador finding this, to the end that the company's order might not be wholly frustrate, sent to the kaimacham, the vizier's representative, and tells him a plausible story of our honesty, and that we would not import any money without his examination of it; and so desired him to appoint some of his mint officers to inspect a parcel lately arrived. He, being a downright plain man, and of good meaning, commended our proceedings, and ordered some officers of the mint to go along with us, which, for a small matter, they did, and the money proving very good, all was as well as could be wished.

"Not long after, this kaimacham was changed, and another touchy jealous old fellow succeeded him; unto whom coming on the same score, upon the arrival of more money, notwithstanding all the fair stories we could make, and the precedent we had of his predecessor, yet he snapped us up, 'What? you would have me see the good money? You would never call me if it were bad. You have taken all that ashore already, and now you would have me see the good.' Nor could we induce him to concern himself at all in the matter, until the ambassador went in person to him; when purely out of compliment he suffered it to be brought into

his presence. This might have been a demonstration of the great inconveniences to follow upon these proceedings; yet nothing would make us change them. It was the company's order, and the first kaimacham taking it well (though he had not been concerned, had not the customer refused it) the ambassador magnified it as an improvement of the company's order, and so could not lay it down with honour.

"But soon after, the vizier himself coming to Constantinople, a little ship brought up one thousand five hundred weighty dollars, which we dare not touch, for fear of breaking the company's orders, without first acquainting the vizier, which was done by his kaia. We heard from him in the very same strain with the old touchy kaimacham; and the more we insisted to have the money inspected, the more they conceived a bad opinion of us, and that it was a design to cover the importation of bad money. So that at last we were fain to take it out of the ship, and examine it by ourselves. Nor did the same order fare better at Smyrna or Aleppo; where, though the customers were induced to inspect our monies, yet they always came to it unwillingly, and with fears, and made a money-business of it, that is, they would be paid for venturing to do what they did.

"To come now to the avania, which began at Aleppo. It is to be premised, that Aleppo is a

very great bashalic; the basha of it, in the wars, commonly commanding the front of the army; therefore he seldom resides at Aleppo, but farms out the profits to some pitiful fellow or other, who signifies little more than a rent-gatherer. And thus it had been for some time past; but the basha being now at Aleppo in person, very hungry and poor, our general ships arrived with two hundred thousand dollars, mostly new lions. Coming to the inspection, the basha would concern himself, and would have a good sum for his share. But the consul there not daring to yield to him, having been blamed for some such allowances, the basha, who perceived he was likely to get nothing, in revenge, sends a dispatch to the vizier at Constantinople, informing him, that the English had imported four hundred purses of false money; whereat the vizier took fire, and sent to have all the money seized and secured, and two dollars taken out of every bag, and sent to him. We heard of this by accident, just before his lordship had his audience of reconciliation with the vizier. His excellency spoke with the vizier about it, who told him plainly what he had done, and that if the money proved bad, he would confiscate it all to the grand signor's use; but promised we should have a fair trial.

"Not many days after, the messengers arrived from Aleppo, and brought under the seal of the

basha and consul, one thousand dollars, part of the money imported, whereupon the vizier called the ambassador to see the trial of it; for which all things were prepared in the vizier's yard, and the chief officers of the empire attended as witnesses how it should prove; the vizier also peeping out at a window. As soon as the ambassador came, they began the trial, and first melted down one hundred and fifty dollars at once, and, after, one hundred for a second trial; both which proved good according to the known alloy of lion dollars. We were then dismissed, and the dragoman ordered to attend the vizier's kaia next day, where he was told, that this was a great sum of money; and somewhat the vizier would have; otherwise we were threatened, that he would send for it all to Constantinople, and melt it down, and cry down all new money from passing any more. The money demanded was twelve thousand five hundred dollars, that is, twenty-five purses for the vizier, and five for the kaia and officers; in all fifteen thousand dollars, which, after some consultations, not being able to get any abatement, was agreed to be paid, and thereon commands sent to Aleppo for freeing the money. Notwithstanding all this, the basha made such scruples, that he got near two thousand dollars, before the money could be cleared; which was more than at first would have done the business with him.

"In this matter the vizier without doubt was much disappointed; he thinking no other but the money was false, as he had reason, being wrote so from the Basha of Aleppo. And our good friends the Dutch in Constantinople, all saying the same thing, and most impudently and falsely denying that it had been coined in their country. So that the vizier, falling from so great an expectation as confiscating the whole was, it could not be expected he would be quite slurred, and make no advantage by it.

Reflections.

"The merchants here thought it a sure prevention of all avanias, upon the score of bad money, to have their own pass the test, before it was imported; and it had been well if the trial had been confined to their own officers. But to interest the Turks, and make them present, was very improvident; for it could not be imagined, so much could pass the view of a rapacious officer, without his contriving to fasten upon some of it; especially when they were entitled to demand some recompense for their pains, undergoing a trouble not incident to their offices. And the Turks had great reason on this occasion to be jealous; for why all this care, but to excuse bad money, when it should afterwards appear; and to lay blame at their own

doors; which made the inferior officers refuse to take upon them?"

The Fourth Avania, being a Seizure of the Estate of Mr. Pentloe after his Decease.

"FOR the better understanding of this, it is first necessary to declare, that the law of Turkey allows not the making any will to dispose either land or goods. But, according to rules they have, when any man dies, they dispose his goods to his heirs. And they will not take any evidence but *viva voce*. So that, with them, books and papers signify nothing; whereby it many times happens, that the wife and children seize upon all, and defraud many of their rights. Upon this ground it hath been always esteemed unsafe to employ married men as factors, and hath ever been avoided by all persons; their estates being purely at the discretion of their heirs. Farther, it is to be considered, that the Turks account all such, as have married their subjects, no longer as Franks, but equal with the Greeks and other Christian subjects, and no better; as appears by what they did in Galata to several French and Dutchmen married there, which happened about two years before the death of Mr. Pentloe, in the manner following.

Galata, over against Constantinople, where all the Franks and a great many other Christians

live, is a town that belongs to the queen-mother, the revenue of it going to her maintenance. The farmers of the rents for some years past, to beat down the farm, for argument's sake, used to allege, that the place was in a manner wholly peopled with privileged persons, as dragomen, who are interpreters (and notwithstanding that both they and their wives are the grand signor's subjects, yet are exempted and made free by the capitulations of the nations they served, as also by especial grants to themselves obtained at the desire of their respective ambassadors) and married Franks. Complaint of this being made to the vizier, he appointed an inquisitor, with an extraordinary power to take cognisance of the matter of fact. He coming upon the place, and not receiving a bribe, as he expected, and as one did who came there on the same errand some years before, made strict inquiry, and gave particular account of all he found married to the grand signor's subjects, about forty families of French watch-makers, and the chief of the French merchants, three of the best of the Dutch merchants, of our nation only one surgeon, but store of dragomen of all nations. On return of which inquiry, the vizier immediately, and severely, commands all former privileges to dragomen void; and that, from hence forward, no nation be allowed more than three; and that for

them new privileges should be taken out. But that all married Franks should be looked on as subjects; and, as such, the collectors should gather all duties from them. This to the French and Dutch was very important, their chief merchants being comprehended. And notwithstanding all that the French ambassador, or Dutch resident could say or do, and all the endeavours of private merchants, and money ready to be given, ten times more than the duties ever would have come to, not the least favour for them could be obtained; so that the only expedient they could find was to procure several titular consul-hips, one of Gallipoli in the Hellespont, another of Athens, and so of other places; the procuring of which cost them dear also. But the poor watch-makers, who could not go to that expense, and for all whom there was not enough to pay the charge, were fain to submit and pay their head-money. This all nations cried out against, as a great tyranny, in causing them, that are strangers, to come and live in a country under capitulations, and then forcing them to become like the rest of the born slaves. But the case, fairly and truly considered, will not appear so; for the understanding which, it is necessary to declare the Turk's laws in this point; and what opinion they have of strangers, and the ready admission they have at all times.

"The Turks have a general maxim, that their countries are the refuge of the whole world, so as they admit all strangers to come to them who will; and, if they like, may settle with them, and immediately enjoy the same privileges that their native subjects do. But they esteem all subjects as slaves; so that it is not lawful for any of them to desert their prince, and go to other countries. Yet, by this law, they do not seize upon all strangers that come among them, and keep them there. But it hath in many cases been determined by their lawyers, that he who comes and resides a year there, becomes a subject; but, before the year is expired, he may depart. I take the reason of this to arise thus: once a year the Turks collect a tribute of all their subjects that are not Mahometans. It is not reasonable they should take this of a stranger, so soon as he arrives; but, when the year hath gone about, he hath as much reason to pay as the rest. And it is not likely that, having once received, they will forego it; for that would permit a great diminution of their revenue, which they endeavour to enhance, by all the ways they can. The reason, why all, that are not Turks, pay this tribute, is, as they allege it, because they enjoy the benefit of the wars and peace thereupon, without serving in them. Else they would enjoy the labours of the Turks, who are their masters, and pay nothing for it; in com-

pensation of which benefit, this tribute is imposed.

"All European nations, that live among them, and have articles for intercourse of trade, are called Franks; not from a corruption of the French word (as some think), but from the Italian translation of the word they call us by in their own language, which, signifying free or exempt, is, in Italian, *Franco*, and is so meant. For, by the capitulations, we are freed from the aforesaid duty of head-money, and some other duties, their own subjects are liable to; and by them we have free liberty to come and to go out at our pleasure, which, else, we could not do. But it is controverted whether a Frank, after he shall marry a subject of the grand signor, can any longer retain this freedom, upon pretence, there is an article in the capitulations, that says, 'An Englishman, whether he be married or single, shall be free,' &c. And this we would construe to comprehend such as married the grand signor's subjects; but the Turks say, it intends only such as come over with their wives, and no other. And in a case any thing dubious, it is shrewdly to be feared, that their interpretation will stand before ours; as I have shown it did in the case of the French and Dutch that lived in the town of Galata.

"The nature of Mr. Pentloe's case was this. He

lived in Smyrna in all about thirty years; and about six or seven before his death, he married a Greek woman, with whom he lived, having bought a house and gardens a little farther into the town. At his death he appointed two English merchants, Mr. Gabriel Smith, and Mr. John Ashby, his assigns to look after his estate, recommending to them the sending home his wife and children, which they were about to perform, having taken passage for all of them in a ship on departure. This was about five months after his decease; but it being by all people feared, that the sending away the woman and her children might cause some future avania, it was thought by the ambassador and consul, that this business could not be done privately; wherefore it was ordered, that the assigns should procure the licence of the judge and customer of Smyrna, with whom several treaties were had, and monies promised to be given. But they demanded it beforehand, and ours would part with nothing till it was done; so, coming to differ, the judge, to do as much mischief as he could, sends an account to the vizier, then newly arrived at Adrianople from the wars of Muscovy. The vizier acquaints the grand signor with the business, who consults the mufti, to know what they deserved, who, being subjects, were flying out of his country. The mufti answered, that their estates were confiscated. Whereupon com-

mands issued for the confiscation, and an officer dispatched to Smyrna with the same; as also to bring up Smith and Ashby, the assigns, to give in their account of the estate.

"When this was done, another messenger was sent to Constantinople, with a letter from the vizier to the ambassador, to acquaint him with what was done, and ordering him to send to Smyrna, to see that nothing be acted contrary to the grand signor's pleasure, as also to send a dragoman to be present at the arrival of the merchants. When the merchants arrived at Adrianople, the Turks finding the estate secured at Smyrna, not to import above fifty thousand dollars, which was infinitely short of their expectation (for by common fame Mr. Pentloe was given out worth ten times that sum) they imagined the assigns had concealed the greatest part, and so threatened them with tortures, to make them confess where it was. Upon which they gave an account of about twenty thousand dollars more, which they said was all; yet, being scared with severe threats, and fearing what might be done to them, they agreed to compound for the estate, and take all upon them, and thereupon they engaged in two months time to pay ninety thousand dollars, viz. one hundred purses, or fifty thousand for the grand signor's use; sixty purses, or thirty thousand dollars for the vizier, and twenty

purses, or ten thousand dollars for the vizier's kaia; for which they were to have the whole estate renounced to them, and be discharged for it out of the treasury. After which, they were brought in for a second part, that is to pay three thousand five hundred dollars to the officer that brought them from Smyrna, and was to attend them thither until the payment should be completed, for his pains and charges.

"This they agreed, and returned by the way of Constantinople, where they stayed fourteen or fifteen days. In all which time they never sought any redress for what they had done, but went about their business cheerfully enough, and paid there ten thousand dollars of the money. And, at their first arrival in Smyrna, they began, and made some payments of monies; but the sum being very great, they now perceived themselves in a very great error: because they had not so much goods in their hands of the deceased, as they thought they had, and that all people were shy to deal with them. They began also to perceive an impossibility of their compliance. Whereupon they made a proposition to the nation, to borrow twenty thousand dollars, with which they said they should be able to go through; but that not being to be had, they quite desponded. And the Turks, seeing nothing done for the payment of the money, had not patience to expect the day of

payment, but broke open the warehouses, and made sale of the goods as they best could, that is, what any one would buy; but the quantity of tin being too great to be all sold for money, a good part of it was sent up to Constantinople; they, seeing this, abandoned all farther thoughts of the business, and made appeal to my lord ambassador for protection, declaring they would concern themselves no farther therein.

"His lordship made answer, that what they had done was their own act, and that what they had promised and engaged themselves to pay under their hands, he could not relieve them against; but he would mitigate what possibly he could, that they might have longer time to raise the money. But they persisted to abandon the business; so the Turks, after they had made sale of all the goods they could, and had accounted the goods sold and unsold, finding the value to fall considerably short of the money they stood engaged for, cast them into prison for the remainder, where they lay some months, obstinately resolved not to pay a penny more, even to procure their freedom. In which time the widow takes one of her children, and goes up to Constantinople, with an intention, as was said, personally to appeal to the grand signor, of the wrong done her and her children, in the seizure of her husband's estate. But the vizier's ministers, hearing thereof, found

her out, and, part with fair, and part with foul means, took her off, and, upon her cries and complaints, gave her back her husband's house and gardens, worth three thousand five hundred dollars, and some money for her charges, and, for the assigns in prison, promised her that, for a quantity of Dutch cloth, importing near two thousand dollars, they should be freed.

"This she thought would have pleased them; the debt they stood engaged for, according to the making up the accounts at Smyrna, importing upwards of ten thousand dollars; and this the Turks might well do; for, the parcel of tin they had brought to Constantinople, in the re-sale, had advanced a large sum above what they had taken it at, enough to make up what was wanted. But the assigns in prison, although the business was drawn into so small a compass, refused to pay it to clear themselves, which was contrary to the counsel of all their friends; but were rather exasperated thereby, than otherwise, saying they would lie there till a new ambassador should come out, when they doubted not but to have all the estate returned, which they said was taken from them only by a cheat and connivance. And that the grand signor, and, perhaps, the vizier knew nothing of it. To such a pitch of madness were they grown; the Turks in the mean time, finding they did not comply, to force them to it, would have put them into

a dungeon; but they resisted, and had like to have killed an officer that came to remove them.

"The whole body of English merchants at Smyrna, seeing things in this posture, having pity upon them who had none on themselves, knowing also that some sad event would follow, by the mediation of Doctor Luke, the chaplain to the factory, raised among themselves about the sum of eighteen hundred dollars, which bought the quantity of Dutch cloth required, and so they were freed out of prison, as they have ever since continued, and gone about their business, as if nothing of what had passed, ever was.

Reflections.

"The oversight that occasioned this avania, was the not obtaining beforehand an authentic licence for the departure of Mr. Pentloe's wife and children. It could not be disputed, but they were the grand signor's subjects, and that the goods were theirs; and if, by the law declared by the mufti, all the goods were forfeited for offering to leave the country, nothing could be done to save them, but precariously; when Smith and Ashby were sent for, they should have given a clear account, and when they had done, stood to it, but they owned not the whole truth, which being suspected by the Turks, caused their hard usage; and there-

upon their hearts fell, and they were induced to agree upon terms which they could not perform. It may seem inhuman to censure men for yielding upon fear of torture; but, on the other side, it will be vain to blame the Turks for expecting performance of an agreement founded, as they pretended, on the law of their country."

The Fifth Avania, by the Vizier's detaining the Capitulations, and restoring them again upon Payment of Eighteen Thousand Dollars.

"THIS avania happened since my leaving Turkey; but, by the relations I have thereof, which are very large, I shall give the best account I can, for your satisfaction. I have formerly hinted to you, that the whole force of the Turkish law lies upon witness *viva voce*, in the face of the adversary. Whereupon we, fearing that witness alone, without any other lawful proof of writings or instruments, if admitted against us, would be encouragement to rogues, to make a daily practice to set upon our merchants for considerable sums, procured an article in our capitulations to prevent it; which, though it would not be granted directly, yet, in some effect, was done; and, as we desired, had its influence in several instances. The article runs thus—'That no *violett* (which in Turkish phrase is no more than false) witness shall be heard against an Englishman, and that

the judge shall not take any cognizance in such cases, unless the party hath an *odgett*, or a judicial Turkish law-instrument, in his hand.' This, though, at first sight, it seems to signify nothing at all, being prohibitory only of false witness, which without it are of no force; yet hath been of great use to us; for we have many interpretations thereof made by their great doctors, which declare, that this article must extend to all witness, it not being possible for the judge to distinguish the true from the false; and this gloss hath constantly served in inferior courts, and many times in the vizier's divan itself, when he hath been favourably inclined. But at other times, in all ages, even by the best viziers, we have been told, that that article is only for inferior courts, and that the vizier looks upon himself to be above even the capitulations, were they never so clear. Whereupon we have been always mighty tender thereof, and never produced them for that article, but when we were beforehand sure it would pass.

"Enough hath been said in former letters of the vizier, to show his temper; which, as it is violent in itself, so also it is apt to credit violence in others, and doubtless is abused by poor impudent rascals, who, throwing themselves at his feet with horrid cries, have persuaded him of their suffering great wrongs, when in reality they have been the wrong-doers. And his person being seldom, or never

accessible to hear long discourses, it hath been scarce possible to take off a bad impression once made on him, as will appear by what follows.

"The pretence of detaining the capitulations, was given by a Jew. This fellow had pawned to an English merchant some goods, part merchandize, and part wearing apparel, and jewels, which, he not being able to redeem them, were quite eat up. The merchant, who had them, was gone out of the country. This rogue Jew wanting bread, so poor as ready to starve, and finding by many examples, that, if he made noise enough, and a large pretence, he should be sure to get somewhat, makes a demand against two merchants that were the assigns of him who was gone, pretending that they had his goods, and that they were a great deal more than in reality they were; but not being able to make out any thing, of all that he said before the judge of Smyrna, he goes up to Constantinople, and there obtains commands from the vizier, and brings up the merchants to justice before the vizier; which doubtless he then would have avoided by making composition with them. For when they came there, the Jew was not ready with his witnesses, to prove that they were assigns to the merchants, to whom he had pawned his goods, saying they were at Smyrna, and other frivolous excuses; upon which they obtained leave to return to Smyrna, leaving two others to an-

swer for them, when the Jew should appear, as it was thought he never would.

" But not long after, having provided rogues like himself to be witnesses for him, a day was appointed for our merchants to appear, and defend the suit. And they, knowing he depended on his witnesses, thought (very unadvisedly) to invalidate them by the aforesaid article in the capitulations, so thereupon they were produced in court, and the vizier without doubt took hold of this, as an opportunity waited for, and ordered the capitulations to be left, that he might consider the force of that article at leisure. But when they were demanded again, the answer was, that the vizier perceived many things in them, which he supposed were obtained by corruption in former times without the grand signor's knowledge, so that he would take time to show them to the grand signor, and know his pleasure concerning them.

" This being taken into consideration, his malicious nature being known, and lest he should work some great mischief, overtures were made to his under-officers; and it was found that money was his aim. And under eighteen thousand dollars the matter would not be accommodated. This payment was yielded to as the lesser evil, and after performance the capitulations were restored. What became of the Jew, I cannot say

positively; but I think he got something for his pretences also. The very same thing happened since to the Dutch, and to our last advices, is still depending, and like to cost a great deal of money. But they propose to have their capitulations renewed into the bargain, which is very necessary for them, it not having been done in fifty years.

Reflections.

"IT was a great unhappiness, that the nakedness of our capitulations in this particular should be exposed. Certainly it was more eligible to have paid a good sum, than to have disputed this point, unless the success had been secured by some intelligence beforehand. For it must be acknowledged, that the expressions are ambiguous: it might have been plainer expressed, that no witness should be received against us, but that could not be obtained, nor ever can be, because they reckon it a disgrace to their religion, that Christians should reject the testimony of all Turks, as well as others, as not credible: but granted in such ambiguous terms as they were, served our turns in inferior courts effectually, and before the vizier also, when we had secured his favour. It is acknowledged by all, that formerly the English were very tender in producing their capitulations in that point, even before viziers, who were commended for justice and humanity;

and it appears by the late ill success, that the policy was reasonable, and therefore it will be very necessary to be cautious for the future in this particular; either to bespeak favour underhand by presents, or defend by objections to the witnesses, which, however in themselves not valid to set aside their testimony, yet with the help of the capitulations may bring the witnesses under the notion of *violett*, or false witness.

"But, after all, it must be acknowledged barbarous to detain the capitulations. All the excuse the vizier can make, if he be called to an account, is that it was but to consider them, with intentions to restore them; and because he thought fit an explanation should be made of that doubtful expression, for the grand signor's service, and common justice's sake, which explanation, if any such had been, must have been of far worse consequence than the price of redeeming them; therefore it was wisely done to prevent it by this ransom. It may reasonably be feared, that any complaint of this matter to the grand signor, or grand vizier, would bring the same questions upon the stage again, which, without a greater price, in all likelihood, would not be determined for our advantage.

The Sixth Avania, now depending, being for demands made by a late Basha of Tunis.

"FOR the better understanding of this avania, it is necessary to say somewhat of the government the Turks have upon the coasts of Barbary. Ever since the Turks lost their power at sea, and forbore sending out their mighty fleets beyond the Archipelago, they lost all their command upon the African coast beyond Egypt. Not that the Moors ever drove out their garrisons, or rebelled; but their own soldiers, that were in garrison, maintained what they had in charge for themselves; setting up tumultuous commonwealths, with which they have subsisted ever since. But they still acknowledge the grand signor, by yearly presents to him, and receiving titular officers and commanders from him. And, without this, they could not have subsisted; for out of his territories they have supplies of men, when their occasions require. And, did they not, in some measure, depend upon him, he would not permit them that recourse.

"This is the occasion of the basha's travelling between Constantinople and Tunis, which passage is left to him procure, for his own safety, the best he can. And, commonly, he gets thither well enough; but is often put to it in his return, when he is loaded with the spoils of his government.

"The present basha, being destitute of his passage homewards, upon the arrival of his succours, freighted an English ship, then in the port of Tunis, to bring him as far as Seio; and, accordingly embarked with all he had. But before they had sailed far, a ship of Leghorn, a privateer in Corso against the Turks, gave them chase; whereupon, knowing that, in case they could not escape her, she would take out the Turks, and all they had, as good prize, they made to a shore, and, before the privateer could come up with them, set the basha and his men ashore; but the ship was afterwards carried to Malta, and pillaged of all the Turks' goods that were in her. Advice hereof arriving in England, about the time that Sir John Finch was going out ambassador for Constantinople, it was thought fit that he should call at Leghorn and Malta, to procure restitution of those goods so taken out of an English ship, which was feared might be demanded of the English in Turkey. According to which, his excellency calling at Leghorn, met there with a Turk sent thither by the basha to look after his goods; unto whom, by his lordship's assistance, several goods, money, and slaves, were returned: and, calling at Malta, had several goods from thence likewise delivered to the Turk; all which goods, together with his lordship's, he carried into the Levant upon his own ship, and delivered them to the basha, who, though very

glad to receive what he had, yet complained still to want a great deal, and often urged his lordship to get the same likewise returned; but was not so impudent then to pretend, the ambassador was liable to make them good, as now he doth.

"This basha was soon after sent to govern on the farther part of Egypt, near Ethiopia, whence it was hoped he would never return; his lordship always apprehending some trouble might come from him, especially since the time of this Vizier Azem, who hath so willingly heard all manner of complaints against the Franks, as hath been since found. This basha, returning to Constantinople, did not, as formerly, desire the ambassador would procure the restitution of his remaining goods, but positively demanded them of him; alleging them to be far more than he had ever before pretended, and indeed more than possibly could be.

"His excellency was not wanting in using all means to give the vizier a true account of all the business; whereupon a private hearing was ordered of the ambassador and basha before some of the principal officers of the vizier. At which his excellency made appear all that he had done at Leghorn and Malta, and the goods thereon restored: which was courtesy, and not obligation. So that the vizier's officers were so far satisfied of the reason on the ambassador's part, that the reis effendi promised to give the vizier full satis-

faction therein; and that he would engage, for two purses, that is, a thousand dollars, he should never more hear thereof: which sum was promised to be paid, when the vizier should call for a hearing of the business, and conclude in favour of the English.

"Some time passed before a day of hearing was appointed; which being come, the vizier, having the chief judge by him, heard the basha at large, who made his pretences on the English nation in general, saying, that the English consul in Tunis invited him to freight the English ship, and engaged to him, that he should be safely transported; also he said, that when he met the privateer, he would have fought, and not forsaken the ship, but the captain would not suffer him; saying, he should not lose any thing. Then he denied that any thing had been restored to him, disowning the Turk he had sent to Leghorn to be any servant of his; but withal, said, that the ambassador, when he came first, and dined with him, had told him that all his goods were recovered, and that he should have them restored to him. Then he gave a list of his goods, which the vizier ordered to be interpreted to the ambassador; whereunto the ambassador answered, 'That he knew nothing of it.' The first thing the vizier said, was, 'Tell the ambassador, that he is here to answer for the blood and

estates of all Mussulmen that suffer by default of the English ;' and bade him give his answer to it. My lord replied, ' That the grand signor himself could not secure his ships from corsairs, nor caravans from the Arabs, and that against thieves only Heaven can protect.' The vizier told the basha, ' That he should make legal proof of what he said, and he would find him a paymaster.' The chief judge said, ' He must make particular proof of every parcel, that it was consigned and accepted;' which was almost impossible to be done. Then a *fetfa* was produced, that an obligation to recover goods from corsairs or thieves, or lost, is not valid; and that no one is responsible for more than he shall really recover. After much discourse, both parties were dismissed without any determination. At first, when the judge took his book to write, as is usual when they judge cases, the vizier said, ' It is a long business, and he need not write any thing, but hear it discoursed.' The vizier, all the while, was sometimes sharp upon us, and sometimes on the basha; so that we parted not without hopes. But, in the afternoon, the vizier's kaia sent for the dragoman, and told him this was too great a matter to be passed over without a present; and that a jewel of fifteen purses was to be the vizier's *regalio:* and my lord had two days time to consider of it. To this my lord returned answer, ' That, as an

ambassador, he would not treat for a farthing; but, as a gentleman, he would not be ungrateful, when the business was concluded.' To which, all the answer the kaia gave, was, 'He knows best.' In this manner the business had continued about twenty-four days, when the dragoman going to the vizier's kaia about other business, he asked why the money for the basha of Tunis' business was not sent; that the vizier would acquaint the grand signor with it, &c. And so it hung till the last advices: and the opinion of the merchants there was generally, that, in case the vizier's mouth be not stopped, but that he be left to bring it about again, the avania may be very severe. But the ambassador, having been blamed by the company for other compositions, says, he is resolved to stand this out, and see the utmost the grand vizier will do in it. And so it depends."

Reflections.

"The pretence of the basha of Tunis, though most unjust, yet was foreseen would prove troublesome; which made the Company take care to procure restitution. And, though the good vizier seemed satisfied with what the English had done, yet the basha murmured; and it was foreseen, some years before his return, that, if ever he came back in this vizier's time, he would revive the suit: therefore, it had been prudent to have ac-

cepted the first offers, which, in Turkey, are always cheapest, and procured discharges from the basha; which would have been a precedent for the time to come.

"This case had been better defended, if the English had not at all meddled to get restitution of any part of the goods; for the Turks build all their arguments from thence—'That he took the nation to be bound to do it—That he might have got restitution of all, as easily as of part.' And as for the discourse and promises of the ambassador, though false and unjust, yet they gave a colour to their proceedings; so that, for the future, it will be necessary to avoid all intermeddling of that kind, and not to come in their way, though to do them courtesies; for they will never acknowledge any, but raise pretences on all possible occasions."

END OF VOL. II.

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